

**36TH ANNUAL KENTUCKY PROFESSIONAL ENGINEERS IN
MINING SEMINAR:
KENTUCKY DIVISION OF MINE RECLAMATION
AND ENFORCEMENT**



**KENTUCKY DEPARTMENT FOR NATURAL RESOURCES
ENERGY AND ENVIRONMENT CABINET
AUGUST 11, 2023**

DMRE THIS YEAR

Coal Program

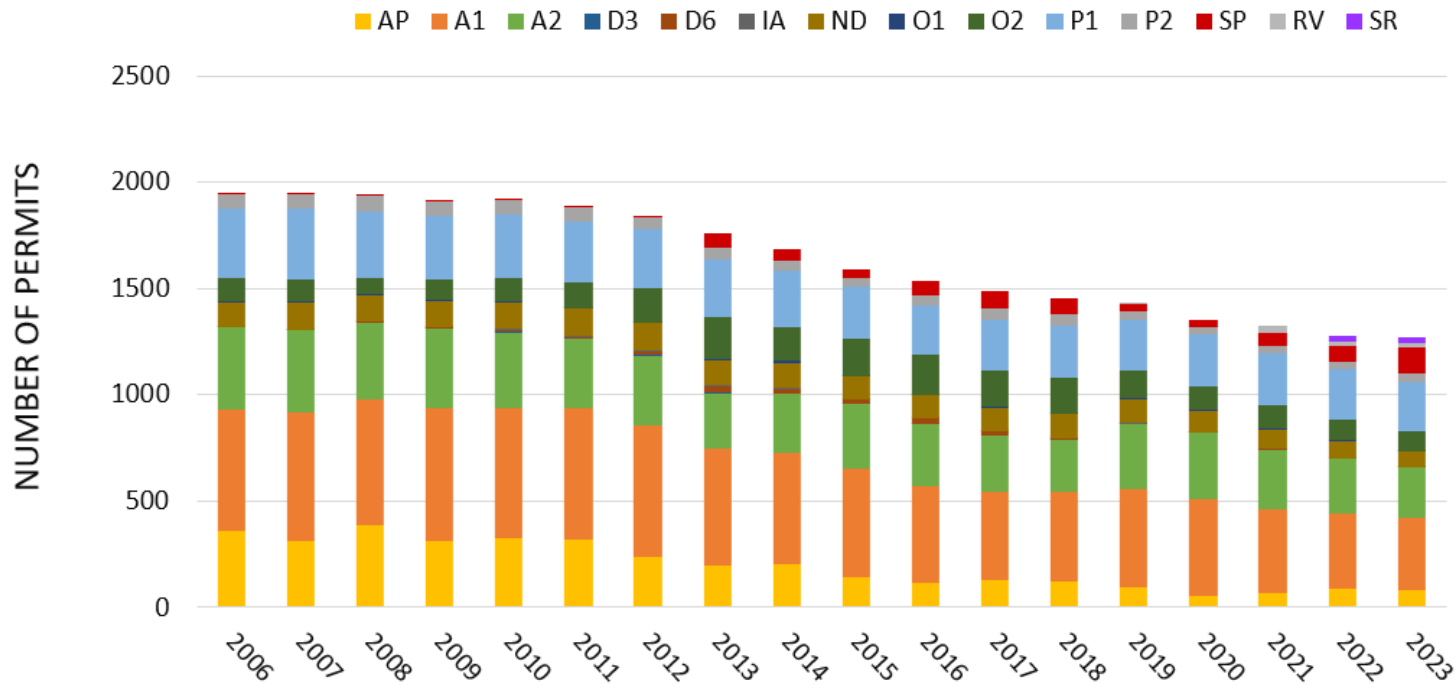
- *Current enforcement trends*
- *3-year non-disturbed permits*
- *Section 401 and 404 permits*
- *Citizen's Request for Inspection (CRI's)*
- *Verifying subwatershed design in the field*

Non-Coal Program

- *Program overview*
- *Second consecutive IMCC national reclamation award winner*

COAL PROGRAM: ENFORCEMENT TRENDS

PERMIT STATUS BY YEAR
2006 - CURRENT



- Kentucky currently has 1,269 bonded permits.
- 83 actively producing permits; 30% increase from July 2020.
- 125 suspended permits; 95% increase from July 2020.

COAL PROGRAM: ENFORCEMENT TRENDS

- DMRE personnel within the coal program conducted 15,785 inspections during Fiscal Year 2023.
- Maintained inspection frequency of nearly 100%.
- DMRE has 56 inspection staff as of July 2023.
 - Observing increased turnover rate as a result of other agencies staffing up.

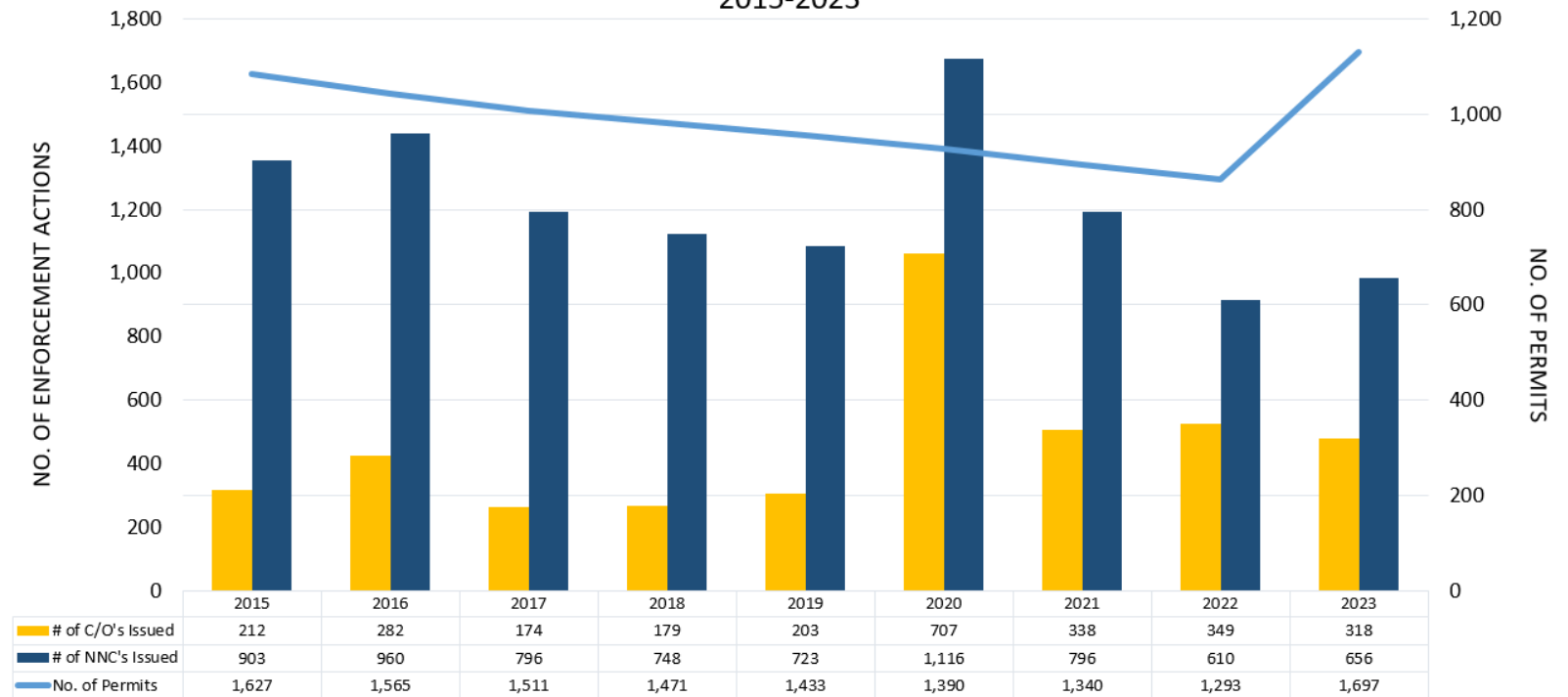


Photo: Highwall mining operation in eastern Kentucky.

COAL PROGRAM: ENFORCEMENT TRENDS

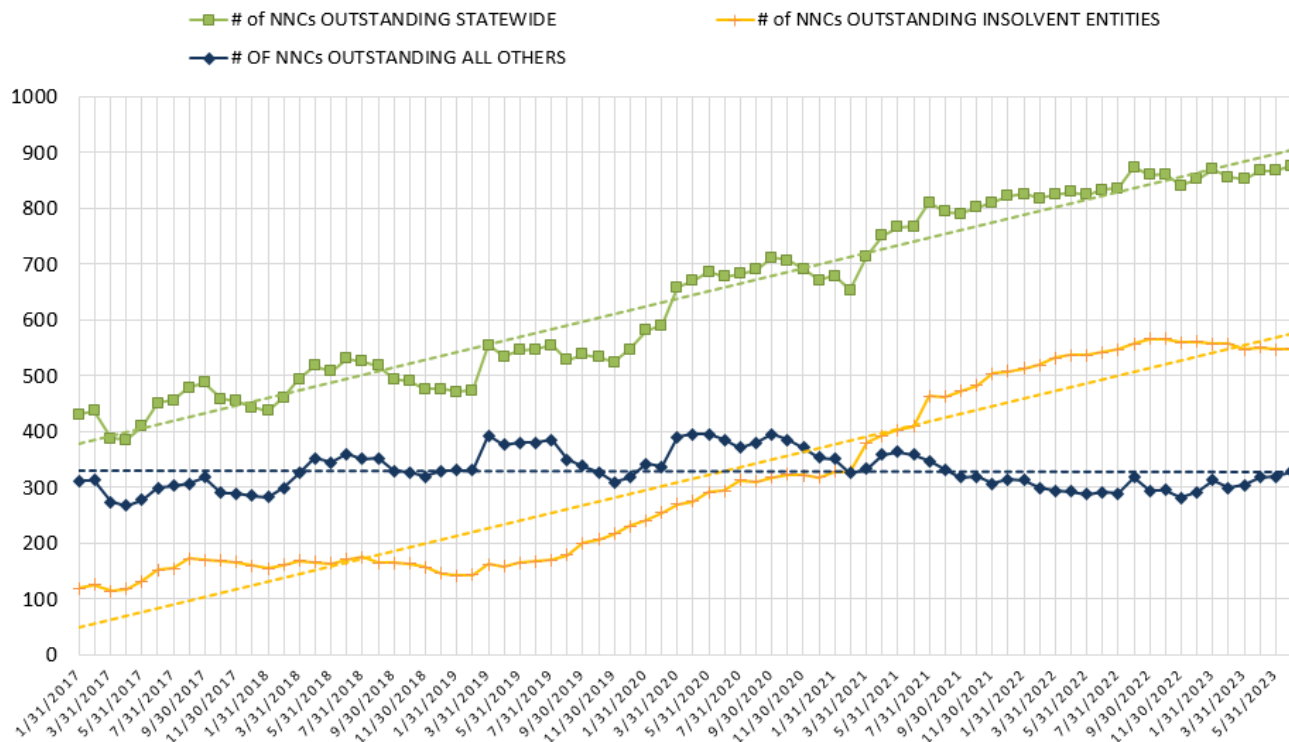
- In FY2023, DMRE issued:
 - 656 Notices of Non-Compliance (NNCs) citing 1,023 performance standards.
 - **7% increase** from 2022.
 - 318 COs
 - **8% decrease** from 2022.
 - The 318 COs is comprised of 305 FTACOs and 13 IDCOs.
- Most common performance standards in FY2023 are:
 - Water Monitoring
 - Sediment Ponds
 - Water Quality

ENFORCEMENT ACTIVITY BY EVALUATION YEAR
2015-2023

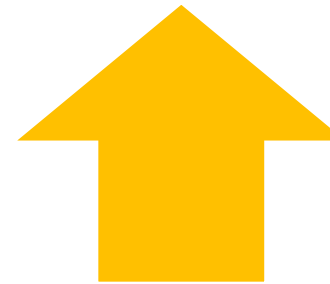


COAL PROGRAM: ENFORCEMENT TRENDS

COMPARISON OF OUTSTANDING NNCs BETWEEN BANKRUPT ENTITIES VS ALL OTHER ENTITIES
WITH TREND LINES
2017 TO PRESENT



- DMRE is closely monitoring outstanding violations across the State and working to improve abatement rates.



5% increase in outstanding NNCs



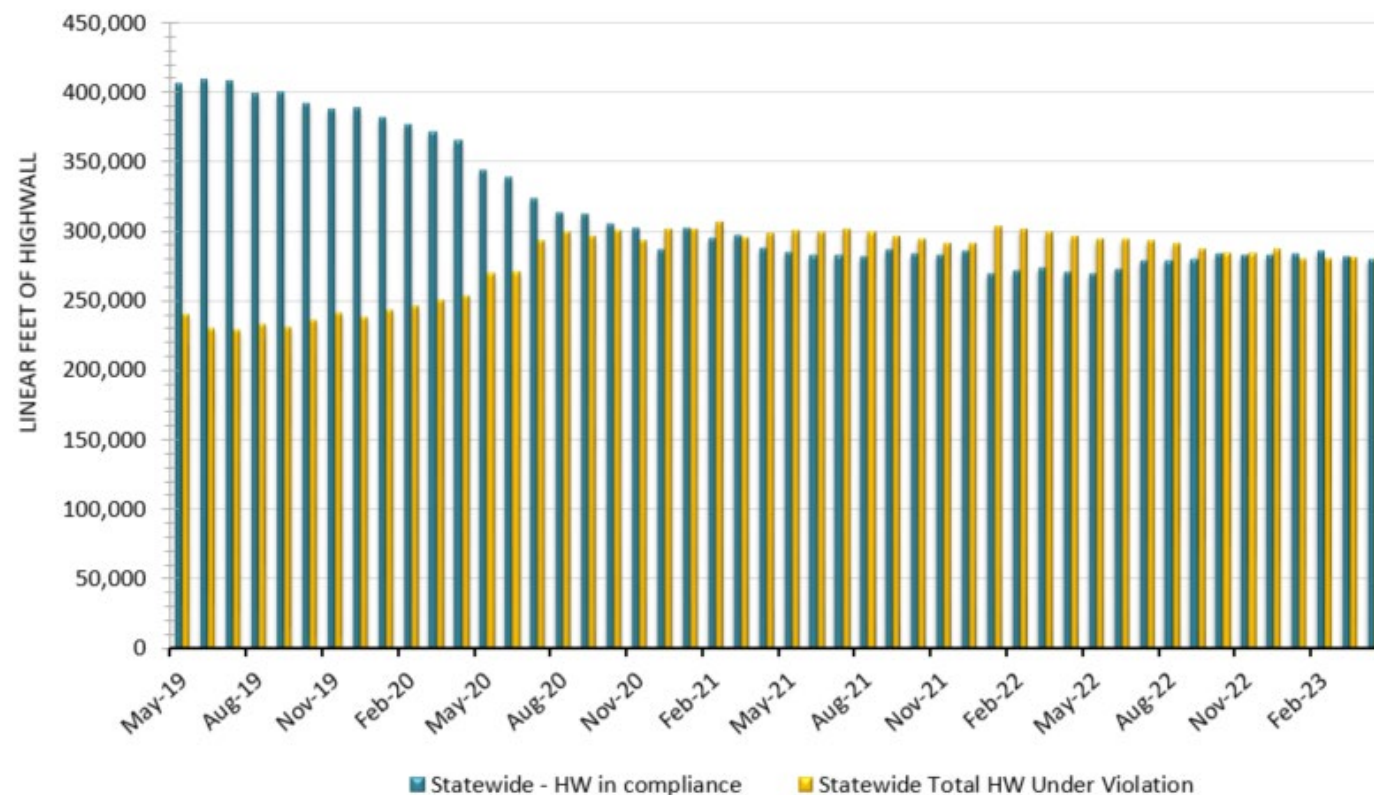
2% decrease in # of permits

- Outstanding violations increased amongst solvent entities when comparing 2022 to 2023.

COAL PROGRAM: ENFORCEMENT TRENDS

- DMRE staff continue to closely monitor highwall and highwall reclamation efforts.
- Tracking both active and idled operations.
- Since 2019, total highwall across the State has been **reduced** by more than **13 percent**.
- Currently, approximately **50%** of the highwall in the State is under violation for time and/or distance.

COMPARISON OF STATEWIDE LINEAR FEET OF HIGHWALL IN COMPLIANCE VS
HIGHWALL UNDER VIOLATION
MAY 2019 - CURRENT



COAL PROGRAM: THREE-YEAR NON-DISTURBED PERMITS

- DMRE has been verifying 3-year non-disturbed permits in accordance with Directive 26 and 405 KAR 8:010 Section 17(2).
 - A permit **terminates three (3) years from issuance** if mining-related disturbance is not initiated.
 - An extension must be requested from DMRE through the Director's office prior to the expiration of the 3-year term to avoid termination of the permit.
 - **It is the permittee's responsibility to request this extension.**
 - Justification for the extension in accordance with 405 KAR 8:010 Section 17(2)(b)(1-2).



COAL PROGRAM: SECTION 401 AND 404 PERMIT APPROVALS



Photo: Logging hillside prior to mining.

- Section 401 and 404 approval ***must*** be obtained prior to disturbance of jurisdictional waters.
- *Inspection staff will be closely monitoring disturbance and verifying if permits have been obtained.*
- Failure to obtain the required permits will result in enforcement action.

COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION

- In FY2023, DMRE received 448 CRIs
 - *This is a more than 107% increase from FY2022.*
 - Increase largely attributed to the July 2022 catastrophic flood event.
- DMRE is also observing more instances of fugitive gas in water wells and subsidence complaints.
- Majority of subsidence investigations will now be surveyed.
 - *This will allow for increased certainty in determinations.*



Photo: Subsidence across state road in western Kentucky.

COAL PROGRAM: VERIFYING SUBWATERSHEDS ON AREA MINES

- DMRE is closely evaluating subwatersheds on area mining operations utilizing LiDAR imagery, drone imagery, field walks, and GIS mapping.
- Subwatersheds must adhere to the approved design in the permit package.
- Deviations will result in enforcement actions.

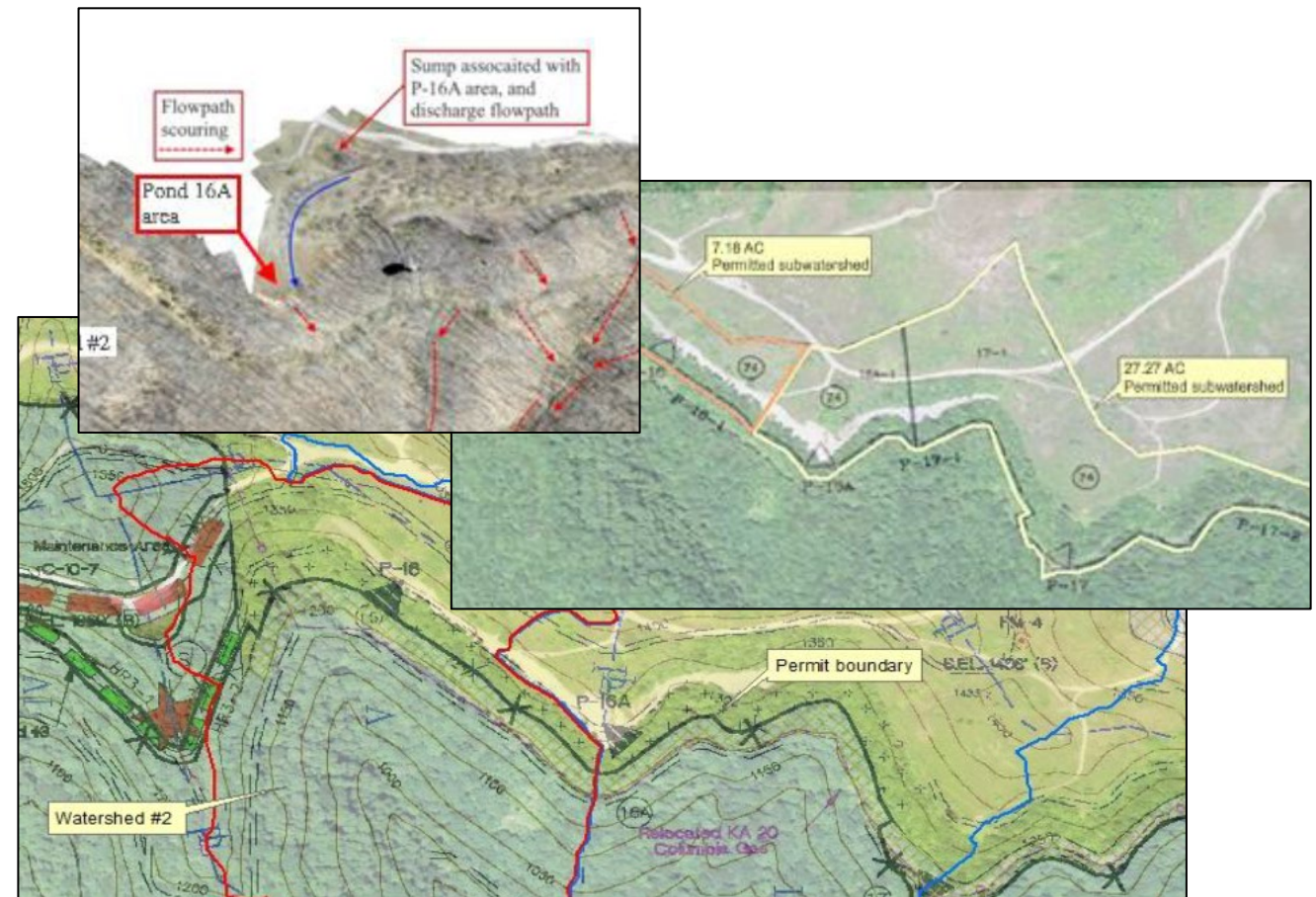


Photo: Subwatershed analysis comparing permitted drainages to as-built drainages.

DMRE COAL INSPECTION REGIONS

Frankfort Central Office

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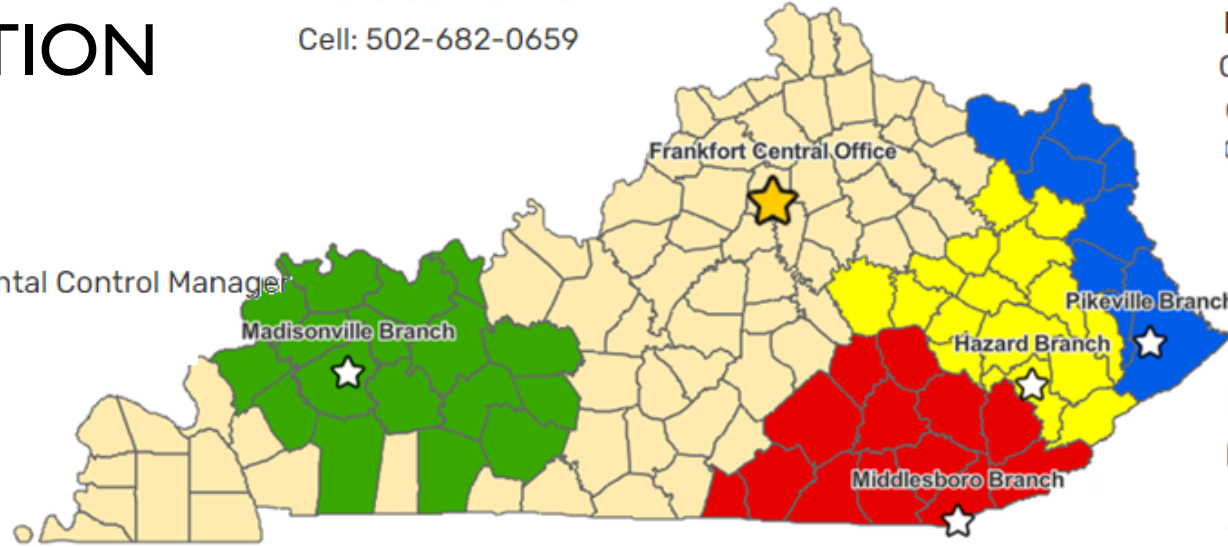
Pikeville Branch

✉ [Gina McGinnis](#), Environmental Control Manager
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Pikeville, KY 41501
Phone: 502-764-1726
Cell: 606-401-5853
Counties - Pike, Martin, Floyd, Johnson, Lawrence, Boyd,
Carter, Greenup, Lewis

Madisonville Branch

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



Hazard Branch

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

Middlesboro Branch

✉ [Lonis Morgan](#), Environmental Control Manager
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Counties - Clinton, Wayne, McCreary, Pulaski, Rockcastle, Jackson, Laurel, Clay, Leslie, Harlan, Knox,
Bell, Whitley

✉ [Steve Vance](#), Assistant Director
Phone: 502-764-1142 Cell: 606-231-8488

NON-COAL PROGRAM: OVERVIEW

- As of FY2023:
 - 237 non-coal permits in Kentucky
 - Over 42,000 total permitted acres.
 - Nearly 1,000 inspections conducted.
- Now five (5) inspectors (previously only 4 in Non-coal).



Photo: Truck loading with limestone gravel at central Kentucky quarry.

NON-COAL PROGRAM: IMCC 2023 RECLAMATION AWARD WINNER

- The Interstate Mining Compact Commission (IMCC) awarded a ***national reclamation award*** to a Kentucky non-coal permit in 2023—*second year in a row*.
 - Sim Mine; Kentucky-Tennessee Clay Company; Permit No. 020-9501
- DMRE hopes to continue encouraging exemplary reclamation of non-coal sites.



DNR Commissioner Slone accepts the 2023 IMCC Reclamation Award for the Sims Mine.

CONCLUSION



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