

# DIVISION OF MINE PERMITS

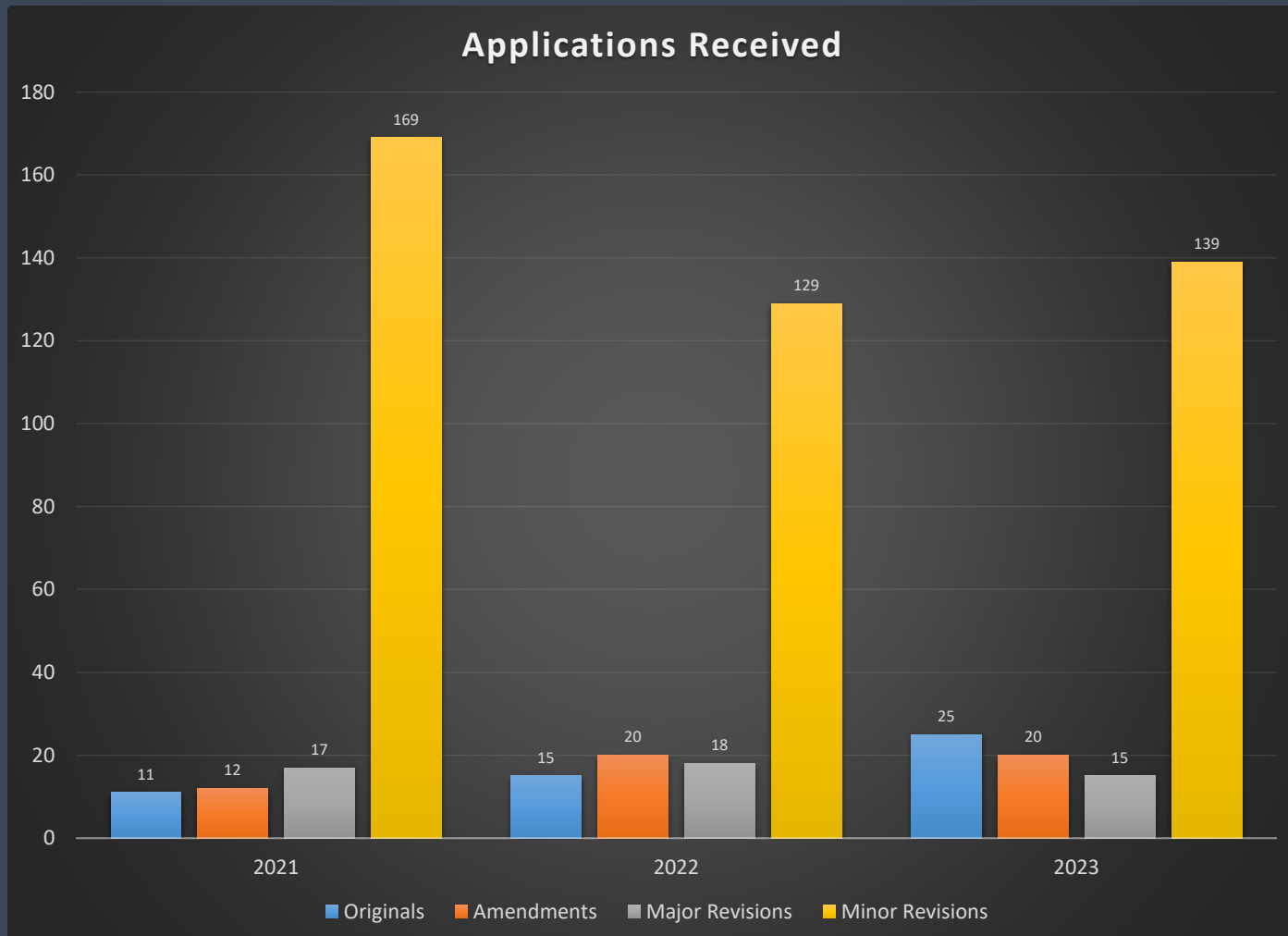
UK Professional Engineers in Mining  
2023



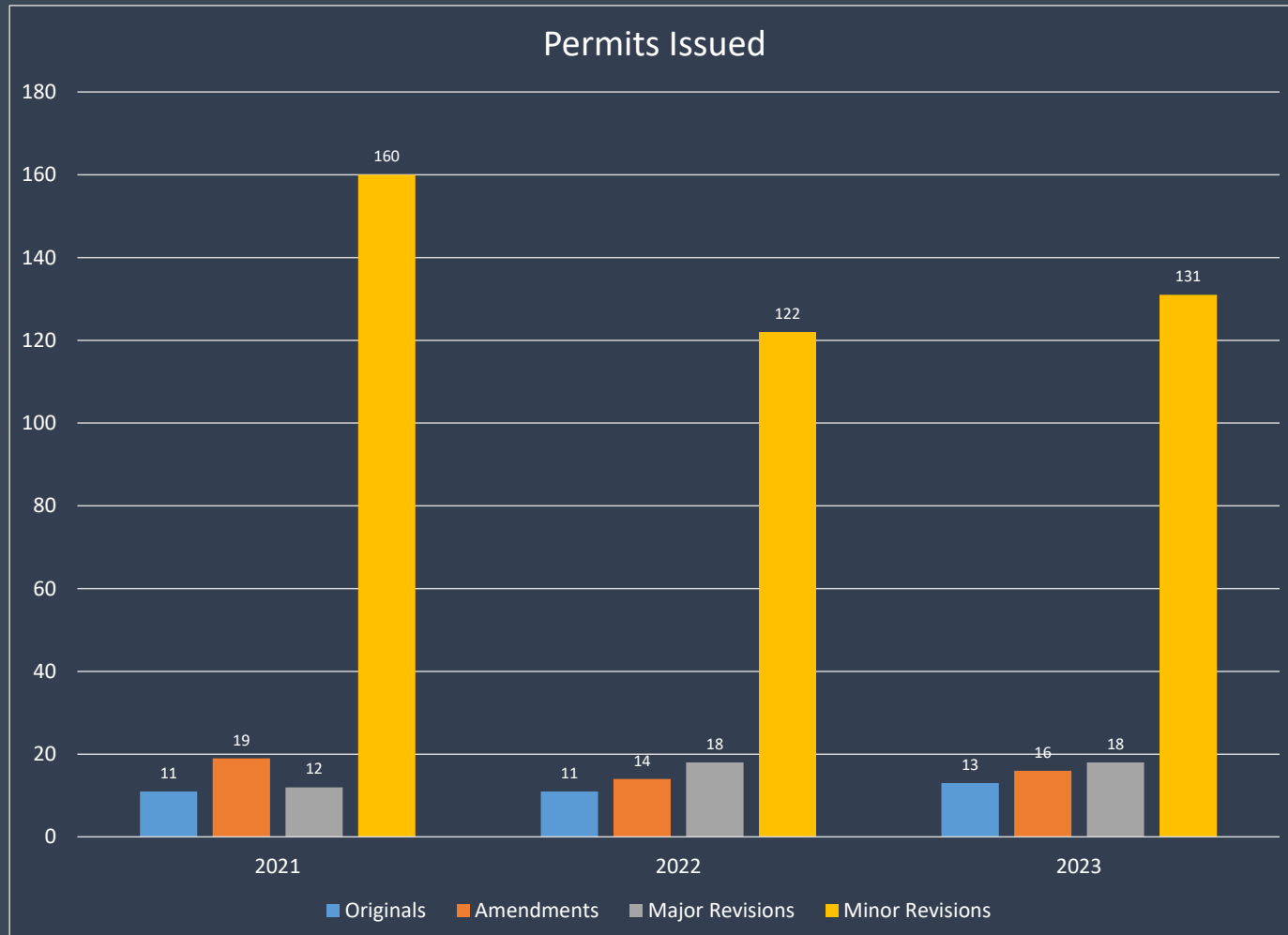
# DMP MISSION STATEMENT

- The mission of the Division of Mine Permits is to protect human health and the environment from adverse effects of coal mining and reclamation operations. This is accomplished by evaluating mining and reclamation plans and issuing only those permits that meet the standards established under the federal Surface Mining Control and Reclamation Act (SMCRA) of 1977.

# Permitting Activity – Fiscal Year



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# Statewide Coal Production Fiscal Year 2021-2023

<u>FISCAL YEAR</u>	<u>REGION</u>	<u>PRODUCING PERMITS</u>	<u>SURFACE TONS</u>	<u>UNDERGROUND TONS</u>	<u>TOTAL REGION TONNAGE</u>	<u>YEAR TOTAL TONNAGE</u>
2021	East	85	4,332,255	4,645,916	8,978,171	25,839,721
	West	4	289,175	16,572,375	16,861,550	
2022	East	75	5,360,824	5,865,503	11,226,327	27,482,340
	West	3	102,104	16,153,909	16,256,013	
2023	East	84	4,864,872	4,292,370	9,157,242	21,719,419
	West	3	-	12,562,177	12,562,177	

April-June 2023 Coal production not reported for Fiscal Year 2023

# Ongoing Efforts

- DMP is coordinating permit reviews with the Division of Water and USACE by exchanging information during the administrative review process and at permit issuance.
- Permit reviewers are going on field walks for new applications and significant amendments
- In 2022, OSM approved the LTT program. DMP has conducted 120 special midterm reviews and is in the process of adjusting the LTT bonds
- Special Midterms has been conducted for permits potentially impacting the Big Sandy Crayfish habitat
- DMP is maintaining current staffing level- 37 full time employees and 3 part time employees
- Efforts to reduce delinquent applications continue
- DMP's TIBCO process has been upgraded to enhance work flow. Efforts to work the bugs out of the system are currently ongoing.

# LTT Special Midterms

- OSM determined that the bond should cover treatment for 75 years
- The approved calculation method uses a 25 multiplier plus capital costs to calculate the bond
- The economic model uses the time value of money to calculate how much bond is needed to cover 75 years as a contingency to the capital costs
- The applicant shall supply verifiable cost information on annual treatment and capital costs which affect the amount of bond and contingency. We ground proof everything in review.
- If the applicant does not supply the needed information, the cabinet will calculate the bond on information we obtain
- The cabinet will provide the calculated bond
- If at any subsequent time, the costs change, an adjustment of the bond must be sought

# Big Sandy Crayfish Special Midterms

- The Big Sandy Crayfish, an endangered species, has been identified in certain tributaries of the Big Sandy River basin of Eastern Kentucky.
- In order to protect this species, ponds must be designed to meet an effluent of .5 ml/l peak settleable solids and enhanced BMP must be provided as part of an Protection and Enhancement plan (PEP).
- DMP evaluated 169 permits for potential impacts and identified 17 permits potentially affecting the habitat of the Big Sandy Crayfish. Permit modifications through special midterms have been initiated.



# Future DMP Initiatives

- We are currently working with other agencies to develop a local interagency coordination agreement.
- E-forms to replace the current Microsoft Access forms are being beta tested and will be ready for publication soon. DMP will release the new e-forms in stages starting with the Ownership and Control forms first and the MPA-03 last.
- Emergency Action Plans for Impoundments (SB 277) – “The secretary may establish, by administrative regulation promulgated pursuant to KRS Chapter 13A, a requirement for the owner of any dam classified by the cabinet as high hazard, moderate hazard, or significant hazard to develop, exercise, and maintain an emergency action plan certified by the owner of the dam.” We are waiting for regulations to be written in accordance with the requirements of SB 277

# Emergency Action Plans for Impoundments

- Emergency Action Plans for Impoundments are now required by MSHA. There is an ongoing effort by OSM to add a requirement for EAP's (Dam safety rule).
- Once our regulations are written and effective as required by Senate bill 227, Dam Safety bill, these plans will be required by the cabinet.
- IF requested, the cabinet will offer technical help for applicants creating these plans

# Renewal Applications

- For renewal applications submitted at least 120 days prior to expiration and diligently pursued
  - Permit can continue to operate until a final decision is made on the renewal
- For renewals not submitted at least 120 days prior to expiration, the permittee will need to idle the permit upon expiration of the permit until a final decision is made on the renewal
- Permit renewals submitted after the expiration date of the permit will not be accepted.

# Questions?

