



Kentucky Division of Mine Reclamation and Enforcement

Courtney Skaggs, Director

Division of Mine Reclamation Enforcement (DMRE)

Inspection Activity

Enforcement Activity

Pattern of Violation

Extensions Requests

Bond Release

Bond Forfeiture

Citizen's Request for Inspection

Blasting

Non-Coal Enforcement

Staffing

Ten Day Notices

Highwall Reduction Initiative

Other News



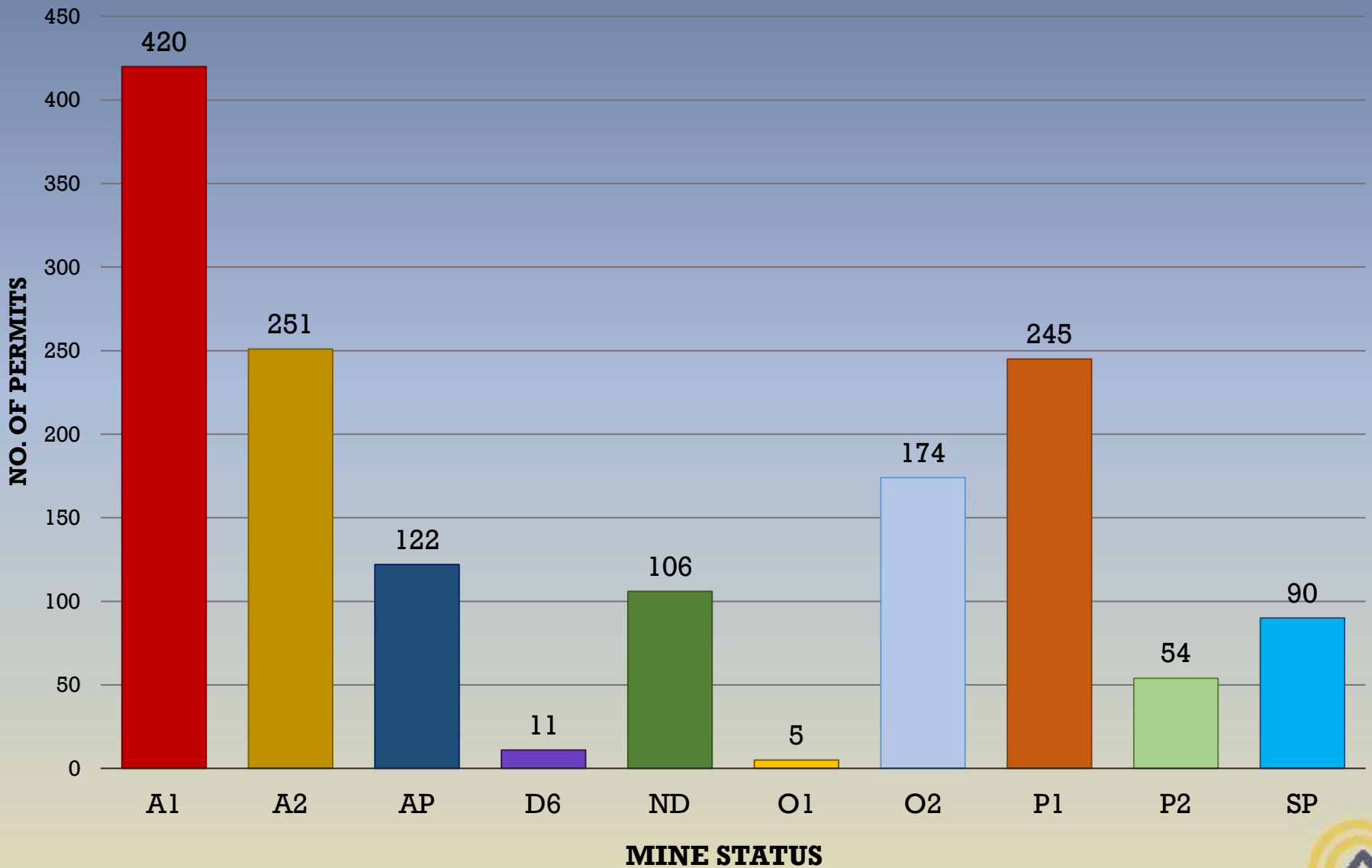
Inspection Activity



- Total Inspectable units have **decreased** by 5% since 2016.
 - **1,479 inspectable units statewide.**
- **Inspection frequency**
 - 2016 → 99.0%
 - 2017 → 99.74 %
 - 2018 → 99.83 %
- In 2017, DMRE conducted a total of 16,928 total inspections.
 - 10,260 partial inspections and 6,811 complete inspections.
- Thus far in 2018, DMRE has conducted 11,429 inspections.
 - 7,209 partial inspections and 4,220 complete inspections.



Number of Permits by Mine Status September 2018



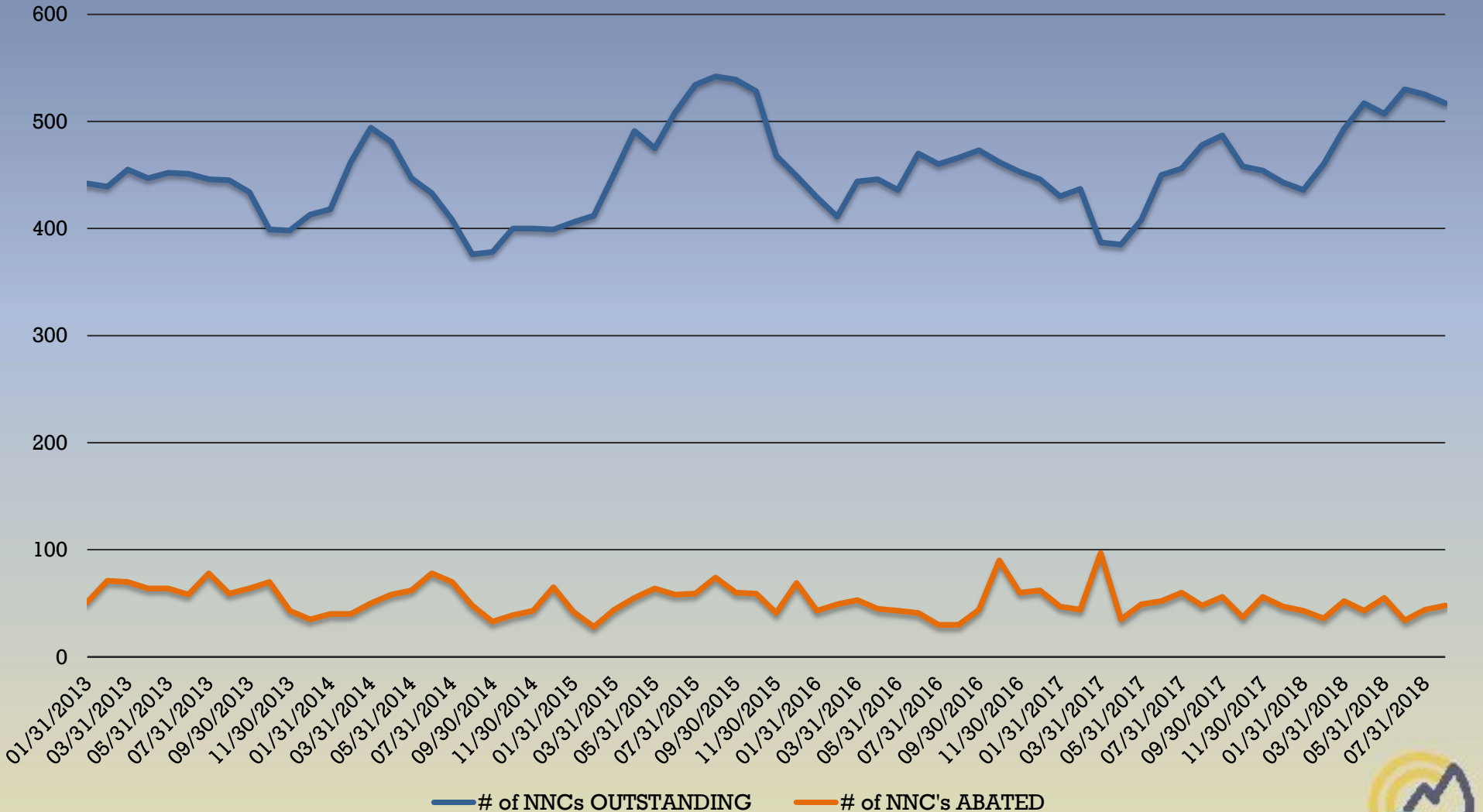
Enforcement Activity

- Non-Compliance issuance has increased by 12% in 2018.
- Failure to Abate Cessation Orders (FTACO) have increased by 23%.
- The top 3 performance standard violations are:
 1. Water Quality/Effluent
 2. General Obligations
 3. Sedimentation Ponds
- Pattern of Violation (POV) meetings are increasing in frequency & number

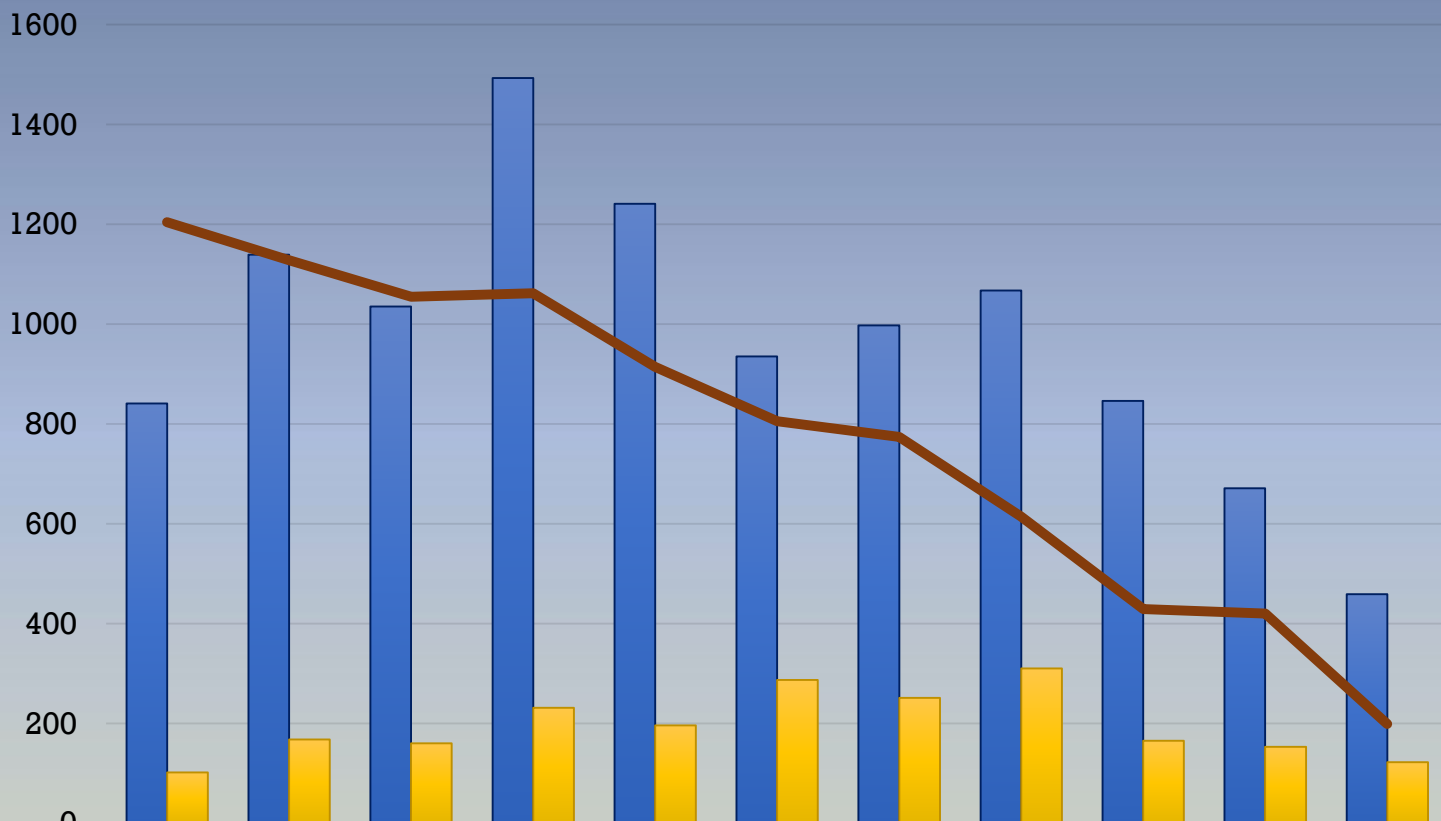


Statewide Non-Compliances Issued and Abated

2013 - Current



Number of Non-Compliances and Cessation Orders in relation to Coal Production 2008 to current



	CY 2008	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018
# of NNC's Issued	841	1139	1035	1493	1241	935	997	1067	846	671	459
# of C/O's Issued	102	168	160	231	196	287	251	310	165	153	122
Coal Production (100,000 tons)	1204	1128	1055	1062	914	805	774	614	429	420	199

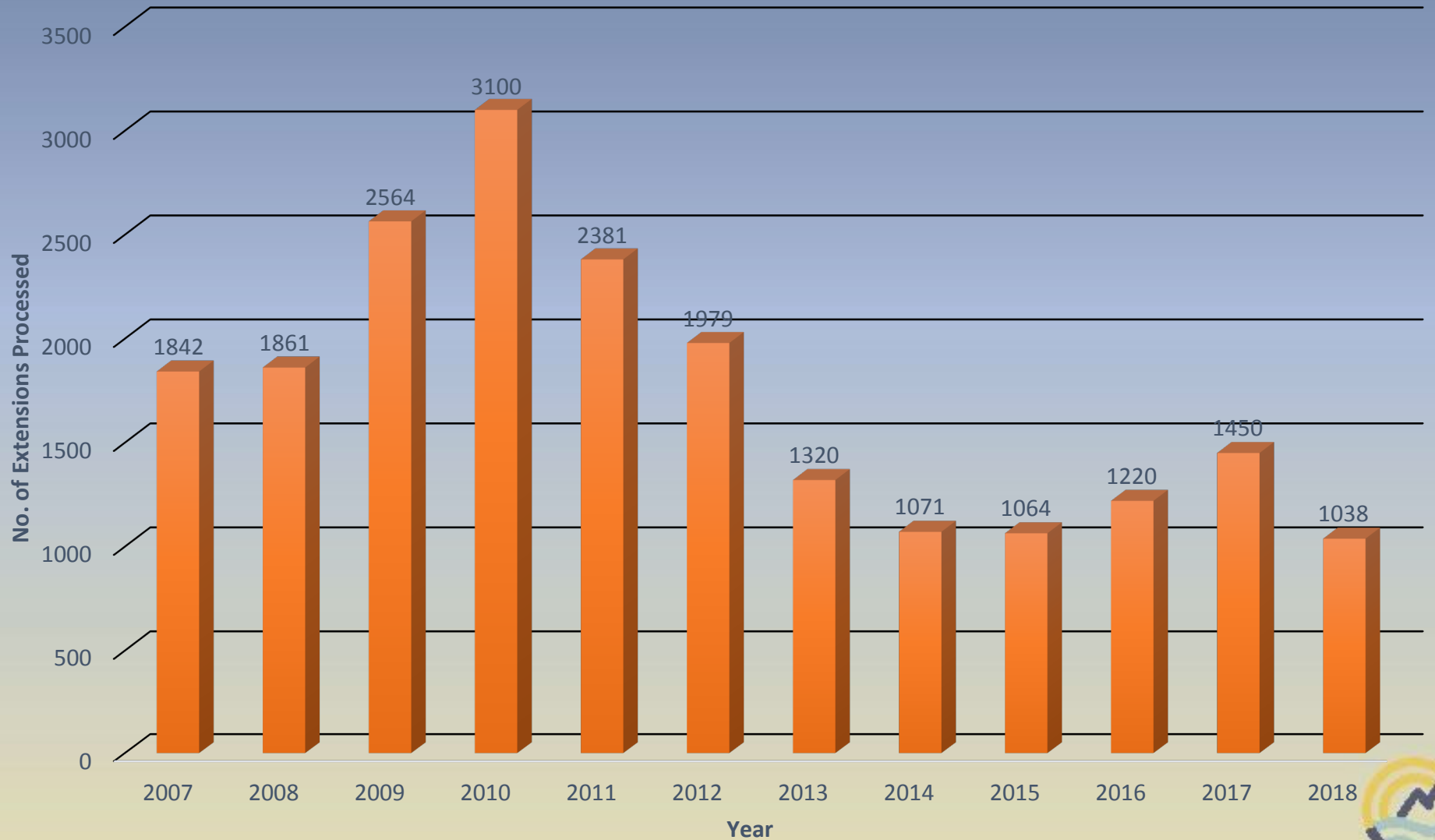


Extension Requests

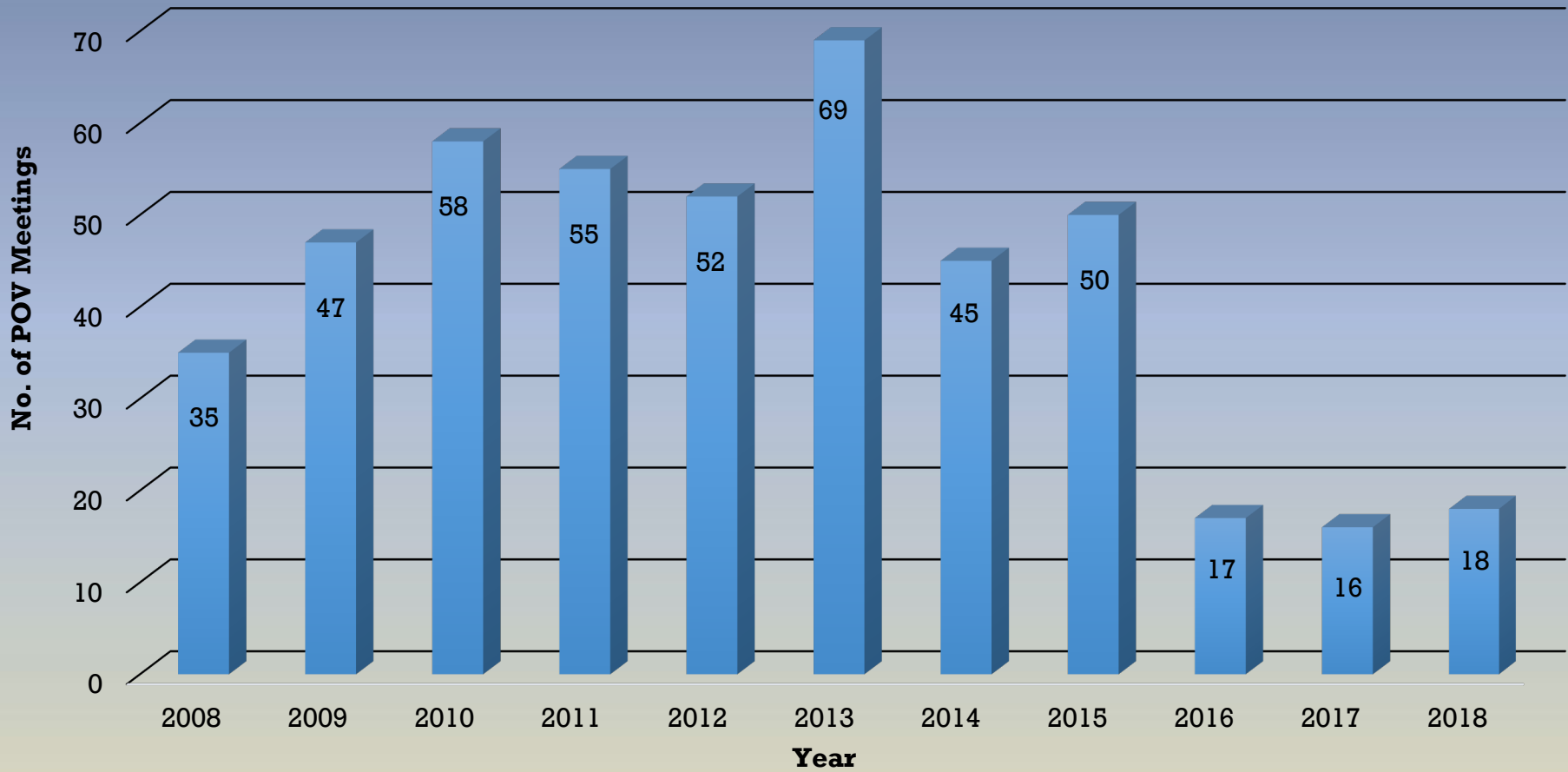
- If the remedial measures of a non-compliance have **not** been completed and the non-compliance has **not** been abated within the required timeframe, then an extension may be requested.
 - *All extensions under ninety (90) days are handled at the Regional office and at the discretion of the Regional Administrator.*
 - *Any extension beyond ninety (90) days is reviewed and/or approved or denied by the Directors Office in Frankfort.*
- **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;
 - Valid judicial order;
 - Labor strike; or
 - Unfavorable climatic conditions (weather):
 - Attempting to abate the non-compliance would cause more environmental harm than it would prevent; or
 - Requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act, 30 U.S.C. 801 through 965.



Extensions Beyond 90 Days

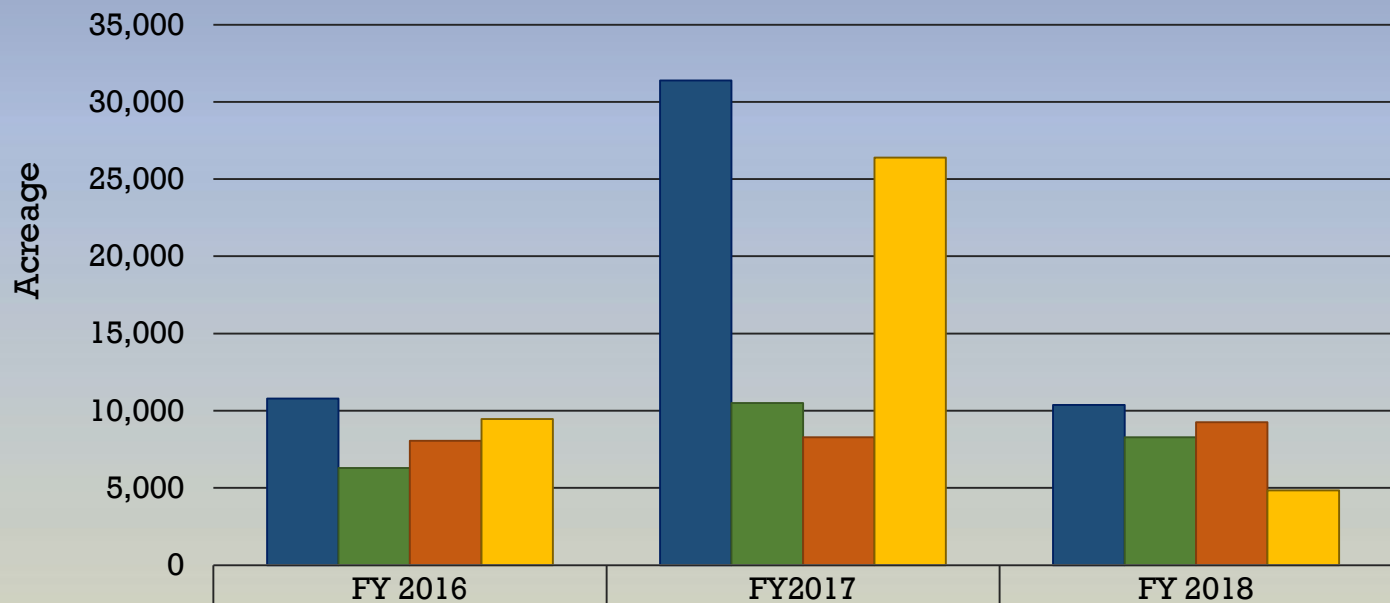


POV Meetings 2008-2018



Bond Release

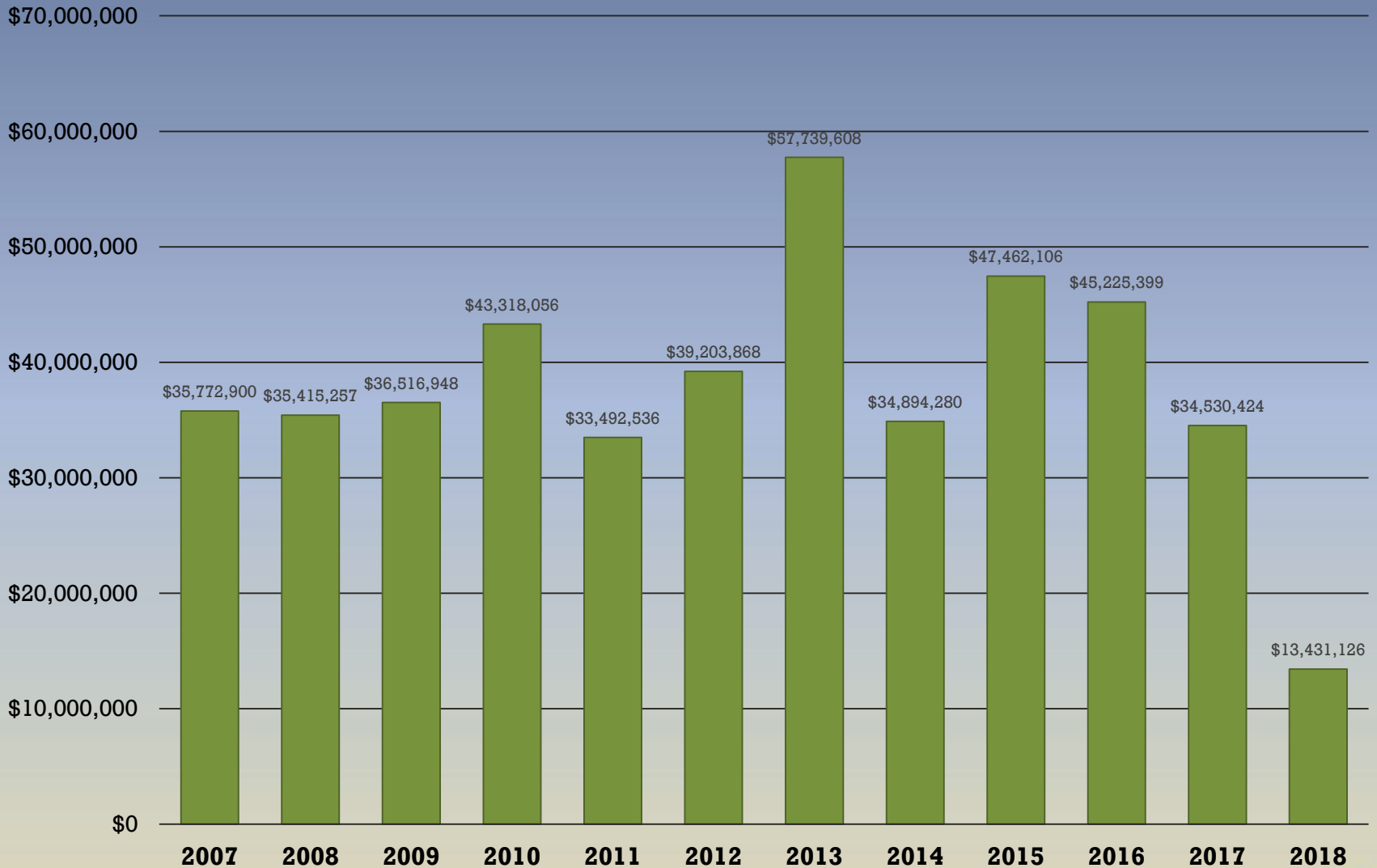
**Acreage Trends of Granted Phase Releases
FY 2016 through 2018**



	FY 2016	FY2017	FY 2018
■ Phase I Acreage	10,798	31,385	10,368
■ Phase II Acreage	6,296	10,502	8,282
■ Phase III Acreage	8,042	8,282	9,249
■ New Acres Bonded	9,452	26,399	4,834



Dollar Amount of Phase Releases 2007 to Current



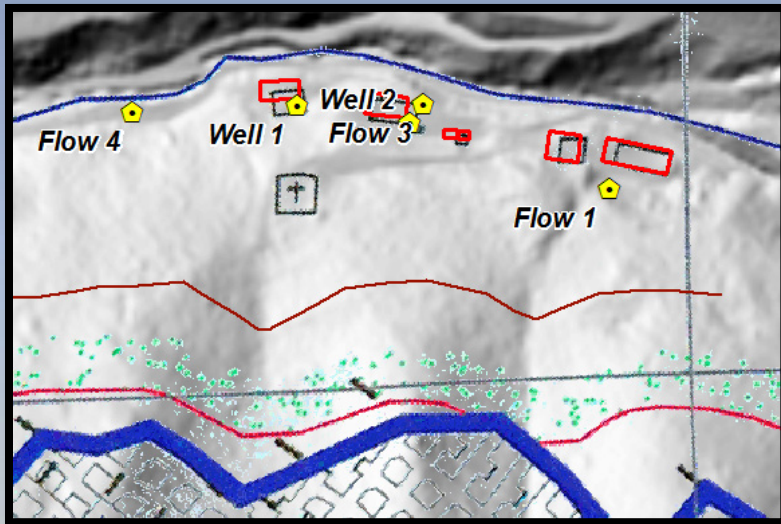
Bond Forfeitures



- **From 2016 to 2018, DMRE has forfeited bonds for 38 permits totaling approximately \$7.9 million.**
 - **2017: 17 forfeitures totaling \$4,894,303**
 - **2018 (Jan-August) : 5 forfeitures totaling of \$360,900**
- **Once a permit is forfeited and bond collected by DMRE; proceeds from the bond forfeiture are transferred from DMRE to the Kentucky Reclamation Guaranty Fund for future disbursement to the Division of Abandoned Mine Lands.**



Citizens Request for Inspections: Complaint Investigations



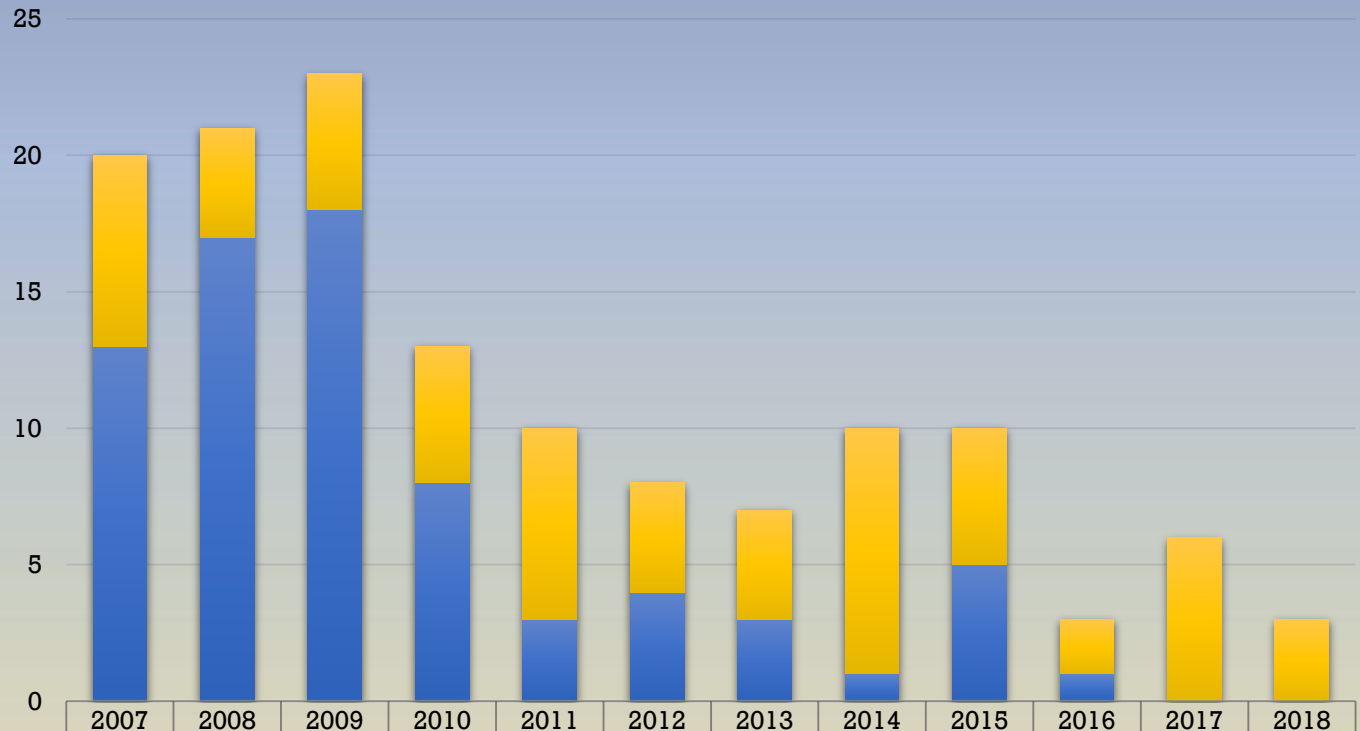
- Citizen Request for Inspections are scheduled to surpass 2016 and 2017 totals.
 - 297 CRI's in 2016;
 - 280 CRI's in 2017;
 - 223 CRI's in 2018 (*current*)

- DMRE currently has 18 pending hydrologic complaint investigations.
 - While the number of hydrologic complaint investigations are decreasing, the overall complexity and the time to complete an investigation is increasing.
 - Average time to complete a hydrologic investigation is 195 days.



Blasting and Explosives Branch Fly Rock Events & Blasting Violations

Number of Fly Rocks for Coal and Non-Coal 2007 - Current



■ Number of Flyrocks (non-coal)

■ Number of Flyrocks (coal)



Non-Coal Inspection & Enforcement

- DMRE is also responsible for enforcing laws and regulations for non-coal mining operations including limestone, sand, gravel, dolomite, clay, fluorspar, asphalt, & tar sand operations.
- 249 permitted non-coal operations across the state
- 874 inspections performed
- 2 non-compliances issued
- 13 citizen's complaints investigated



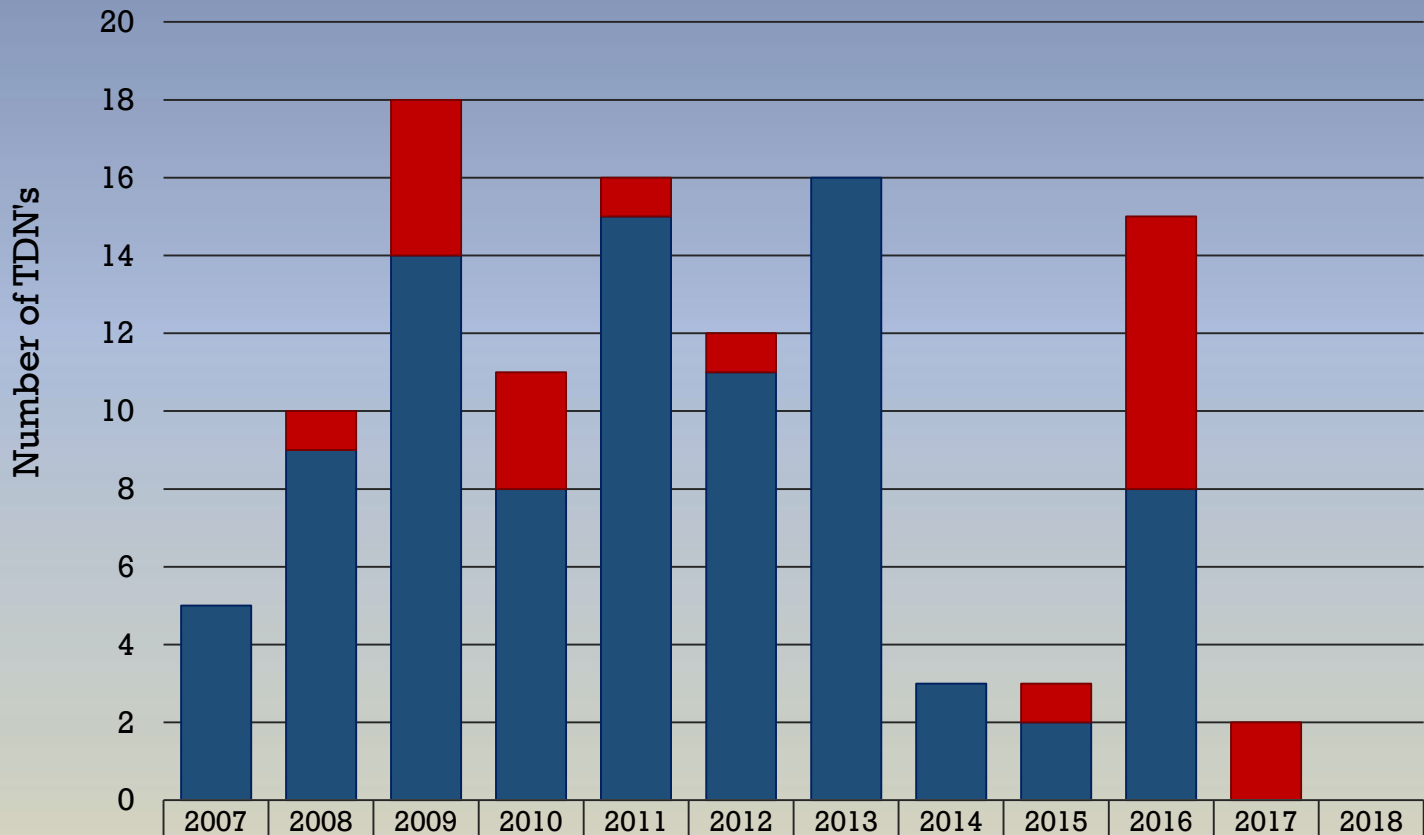
DMRE Staffing

The Division of Mine Reclamation & Enforcement currently employs 121 staff members, with the ability to fill up to 128 positions.

- 7 vacancies
- 4 active registers
 - (1) Non-coal permit review
 - (2) Coal inspection positions
 - London
 - Pikeville
 - (1) Program Coordinator in Frankfort
- 5 pending retirements
- 11% of the Division workforce is retirement eligible



Ten Day Notices 2007-current



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



Highwall Reduction Initiative



- The **Highwall Reduction Initiative** was implemented in April 2016 to **track reclamation progress at idled mining operations** in the Eastern Kentucky coalfields.
 - Since implementation of the Initiative, DMRE has worked in conjunction with permittees to facilitate reclamation of **224,000 linear feet** of open, idle highwall.
 - This equates to an approximate reduction of **\$175 million dollars** in reclamation liabilities.



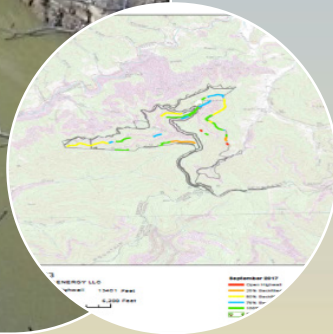
Global Positioning Systems (GPS)



Drone Technology



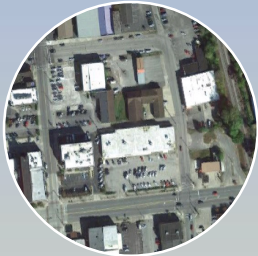
Mapping Software



Other News...



Kevin Hembree has been named the Assistant Director for the DMRE



Monthly regional office inspector training implemented



Legislative Update: Non-Coal Mining Exemption & Redistribution of Penalties



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