

**34TH ANNUAL KENTUCKY PROFESSIONAL ENGINEERS IN
MINING SEMINAR:
KENTUCKY DIVISION OF MINE RECLAMATION
AND ENFORCEMENT**



**KENTUCKY DEPARTMENT FOR NATURAL RESOURCES
ENERGY AND ENVIRONMENT CABINET
AUGUST 27, 2021**

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)*

Non-Coal Program

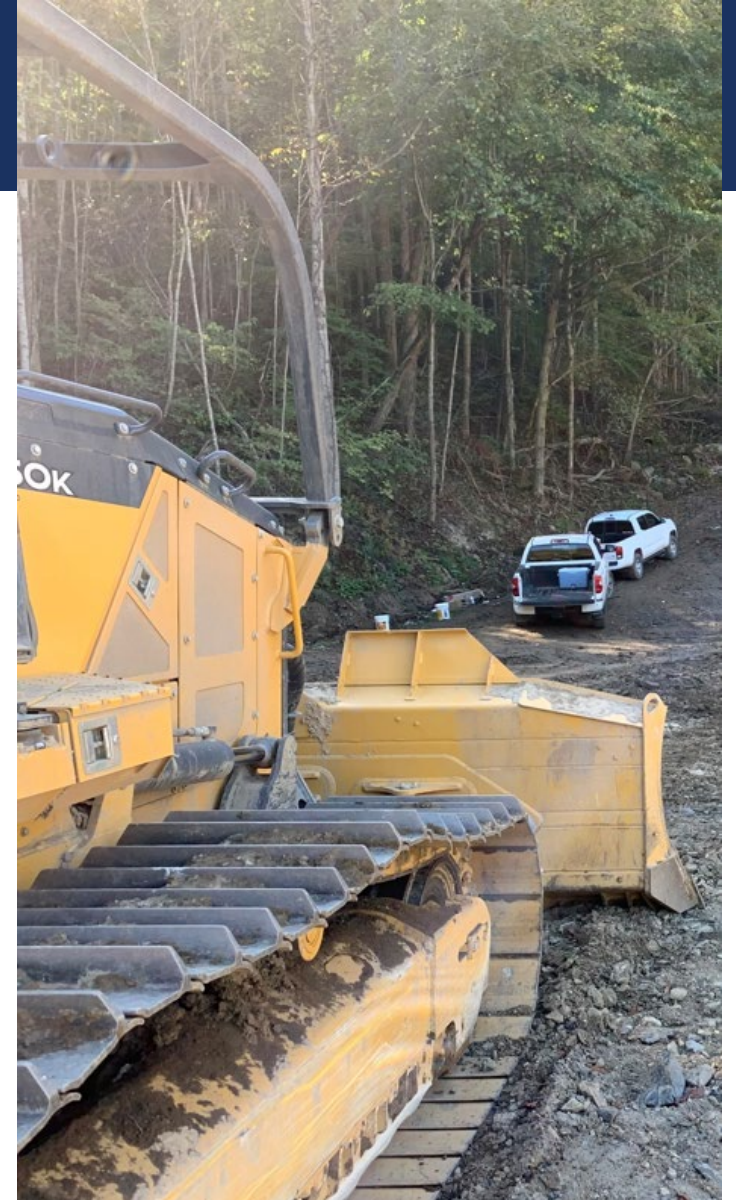
- *Permitting trends*
- *Enforcement*

Explosives and Blasting Program

- *Flyrocks across the state*

COAL PROGRAM: INSPECTION ACTIVITY

- DMRE personnel within the coal program conducted 16,672 inspections during Fiscal Year 2021.
 - 10,899 partial inspections
 - 5,773 complete inspections
- Inspection frequency remained high at 99%.
 - *As with last year, precautions were taken so that inspections continued throughout COVID closures.*
- DMRE has 55 inspection staff as of July 2021.



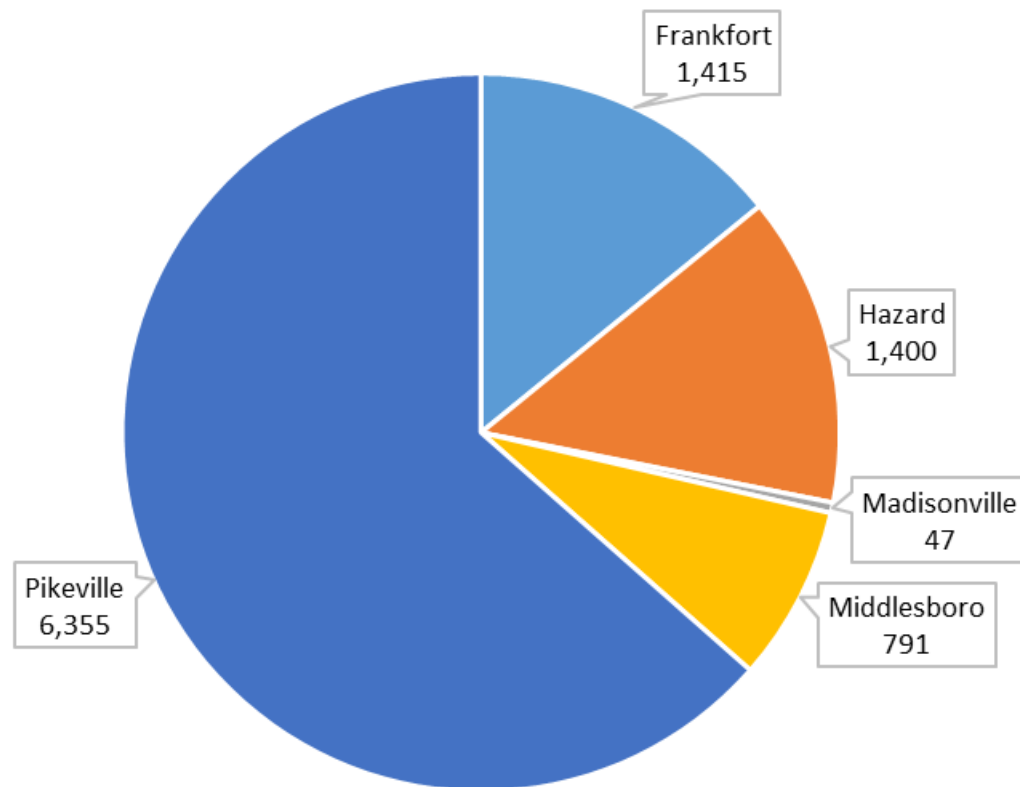
COAL PROGRAM: ENFORCEMENT ACTIVITY

- In FY2021, DMRE issued:
 - 1,190 violations
 - 529 Cessation Orders.
 - This is a decrease from FY2020 (1,820 violations and 1,134 Cessation Orders were issued).
- Most common performance standards are:
 - Water Monitoring
 - Other Permit Conditions
 - Sediment Ponds



COAL PROGRAM: ENFORCEMENT ACTIVITY

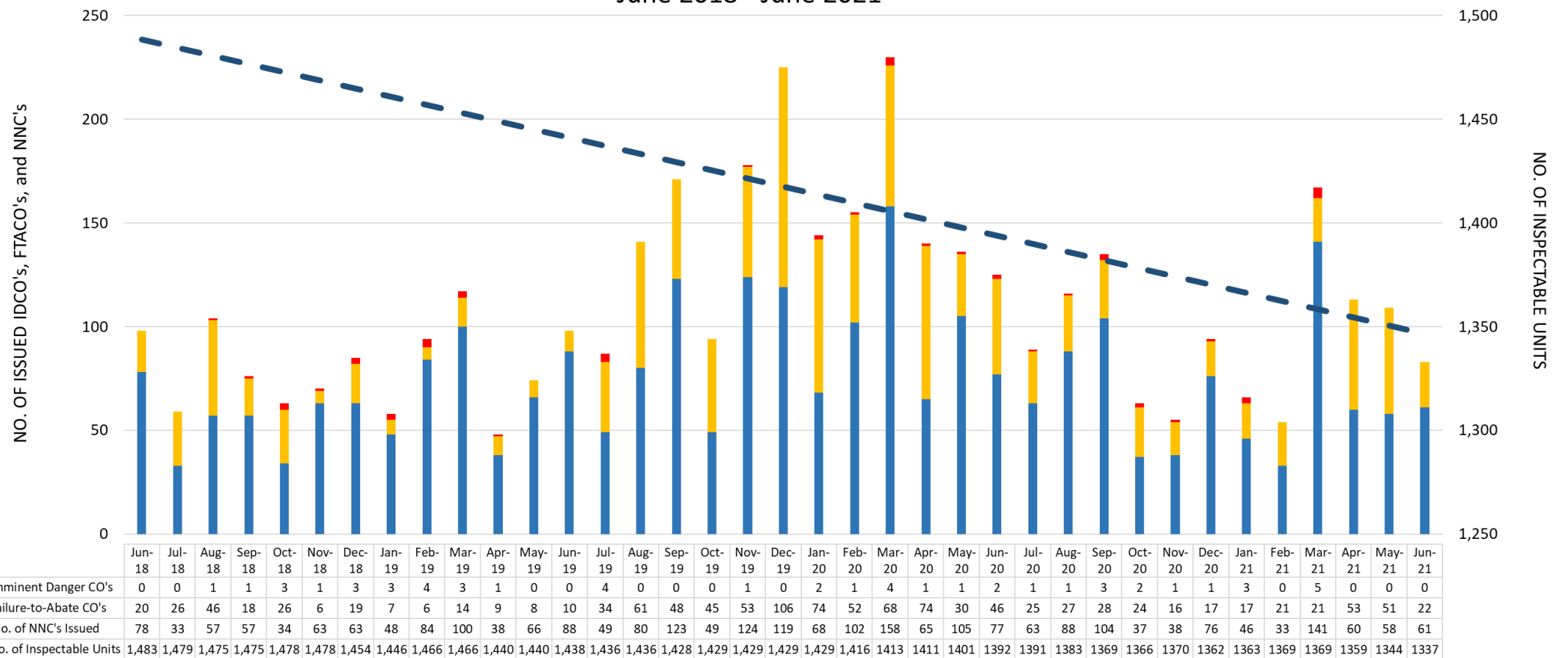
Bankruptcy Hours for Fiscal Year 2021



- DMRE staff spent approximately **10,000 hours** in work related to bankruptcies over the past year.
 - Bankruptcy hearing preparation and participation
 - Conducting reclamation cost estimates
 - Preparing enforcement updates
 - Meeting with industry representatives and legal staff

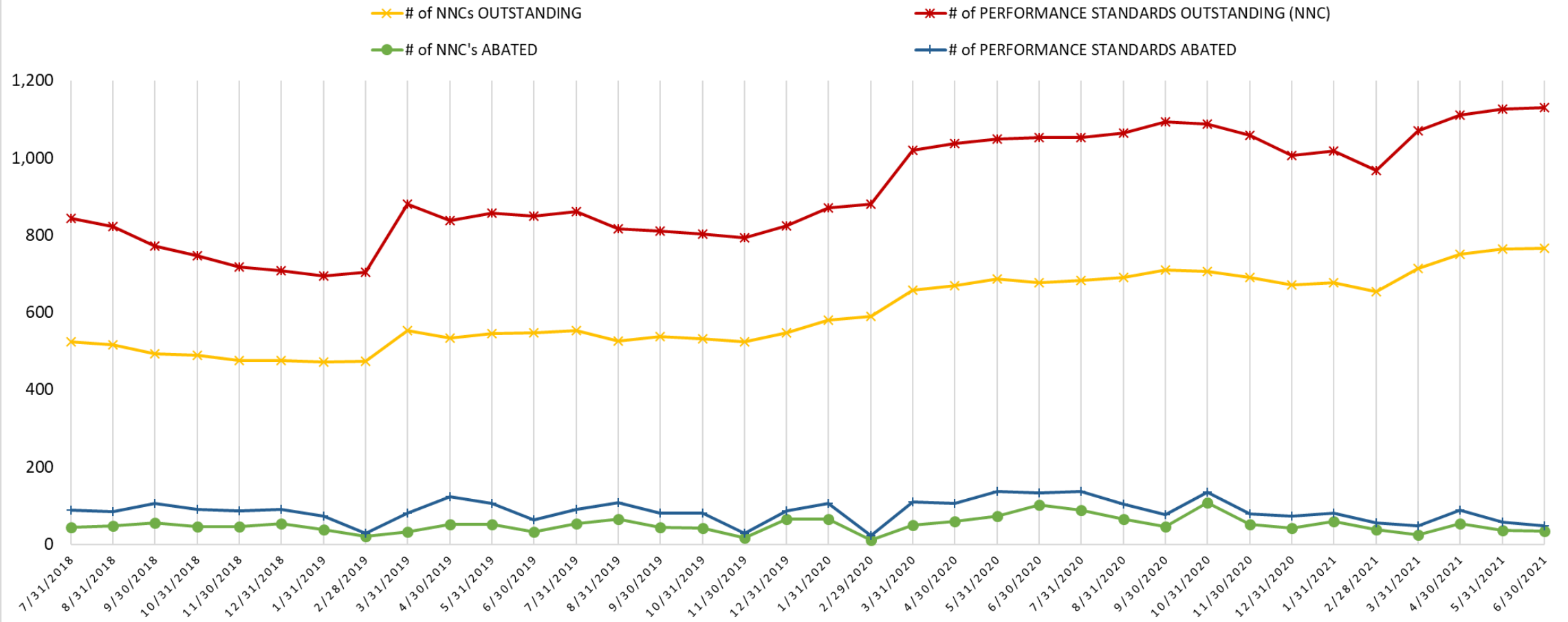
COAL PROGRAM: ENFORCEMENT ACTIVITY

ENFORCEMENT METRICS BY MONTH
June 2018 - June 2021



COAL PROGRAM: ENFORCEMENT ACTIVITY

OUTSTANDING AND ABATED ENFORCEMENT ACTIONS
JULY 2018 - JUNE 2021



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)



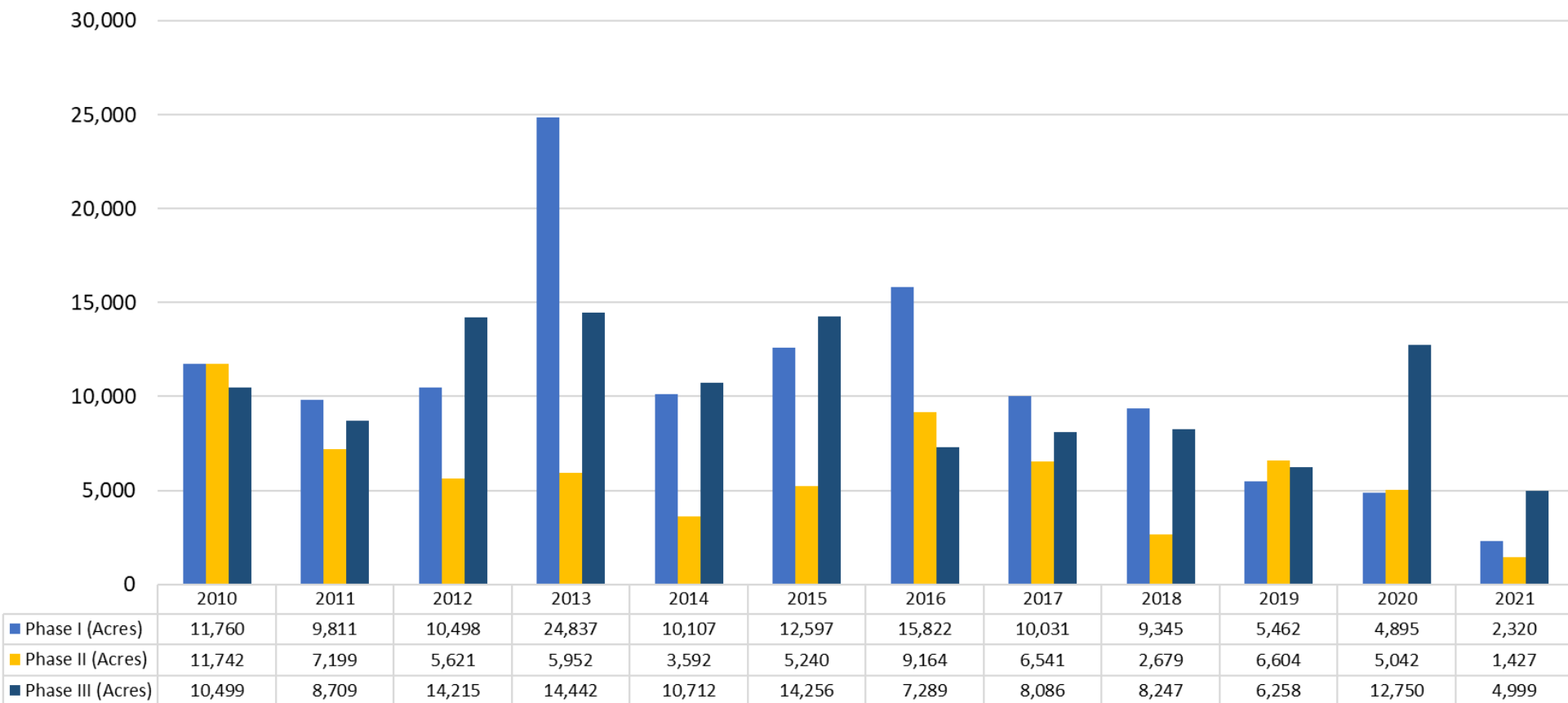
COAL PROGRAM: BOND RELEASE



- DMRE recommends that permittees continue seeking bond release at the soonest opportunity available.
- FY2021 saw an increase in released acres in comparison to previous years.

COAL PROGRAM: BOND RELEASE

PI, PII, and PIII ACRES RELEASED
2010-CURRENT



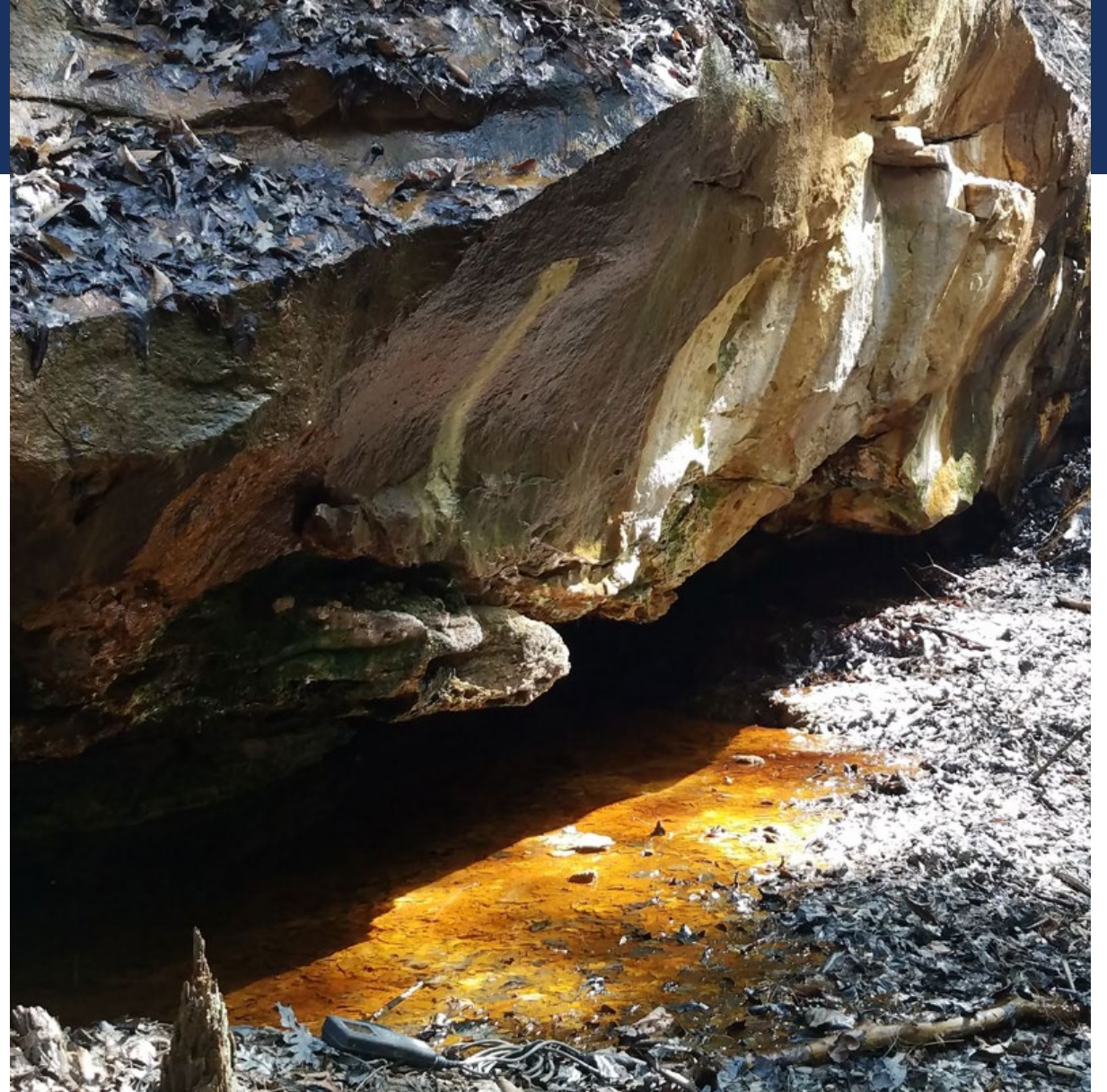
COAL PROGRAM: BOND FORFEITURE

- In FY2021, DMRE finalized six (6) bond forfeitures.
- Numbers are expected to increase in upcoming years.
- DMRE is working to avoid forfeitures when possible:
 - Surety Reclamation Agreements
 - Permit transfers

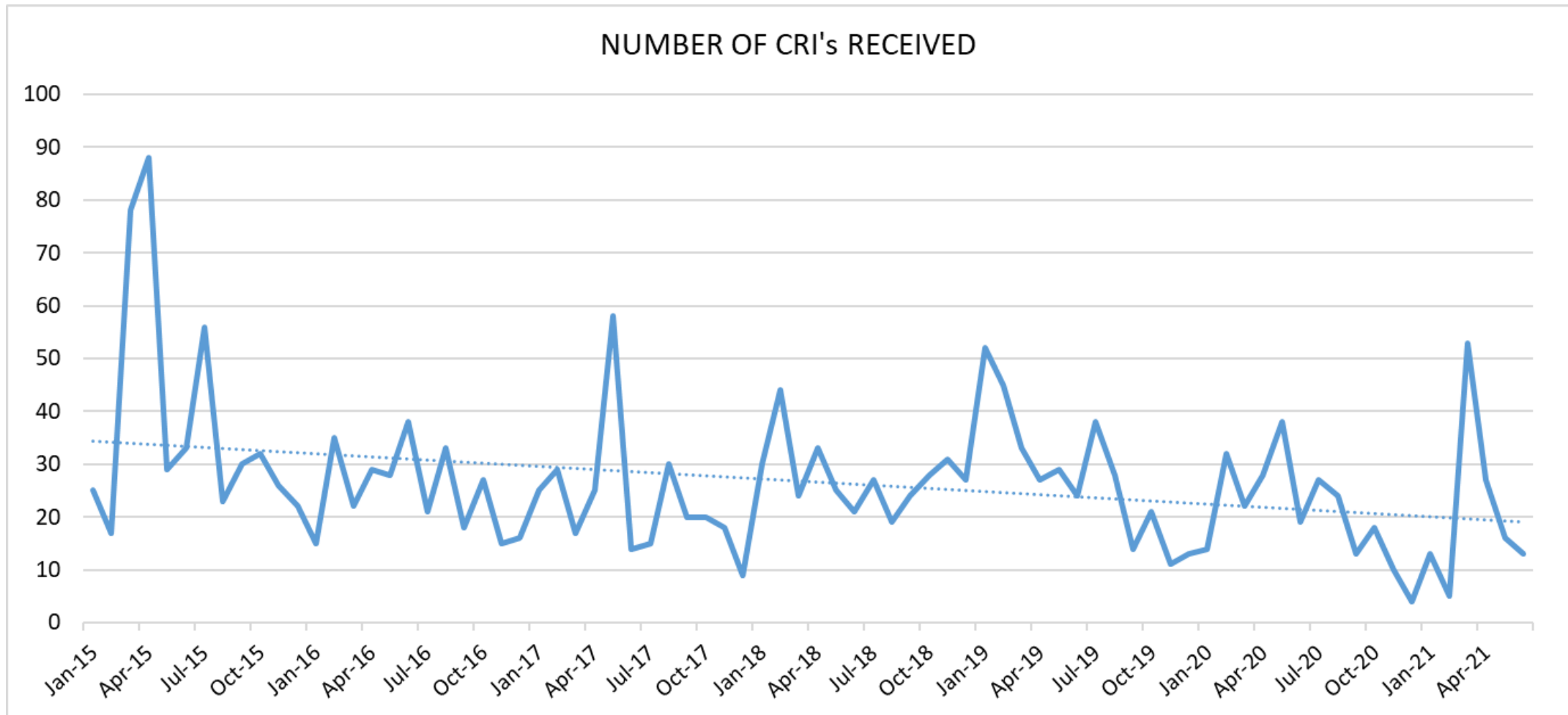


COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION

- DMRE continues to observe an increase in the complexity of CRI complaints and investigations.
- Primary violations issued as the result of CRIs include:
 - Water quality
 - Hydrologic requirements (seeps)
 - Backfilling and grading



COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION



DMRE COAL INSPECTION REGIONS

Frankfort Central Office

✉ [Jim Ward](#), Director

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

Pikeville Branch

✉ Kevin Hembree, Acting Environmental Control Manager

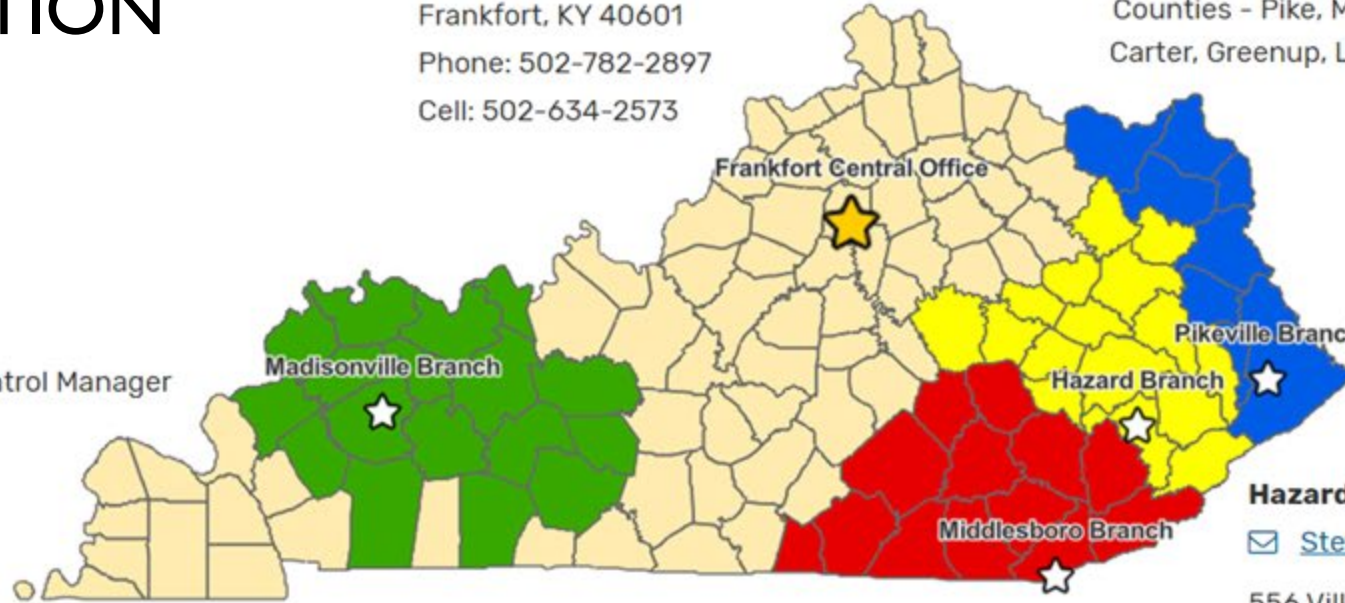
121 Mays Branch Road
Pikeville, KY 41501
606-433-4008
Cell: 606-401-3505
Counties - Pike, Martin, Floyd, Johnson, Lawrence, Boyd,
Carter, Greenup, Lewis

Madisonville Branch

✉ VACANT 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



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

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

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 FY2021:
 - 243 non-coal permits in Kentucky; 53 pending applications
 - 40,398 total permitted acres
 - 1,550 inspections conducted
 - 6 violations issued
 - 19 citizen complaints investigated



NON-COAL PROGRAM: PERMITS

Distribution of Non-Coal Permits Across Kentucky



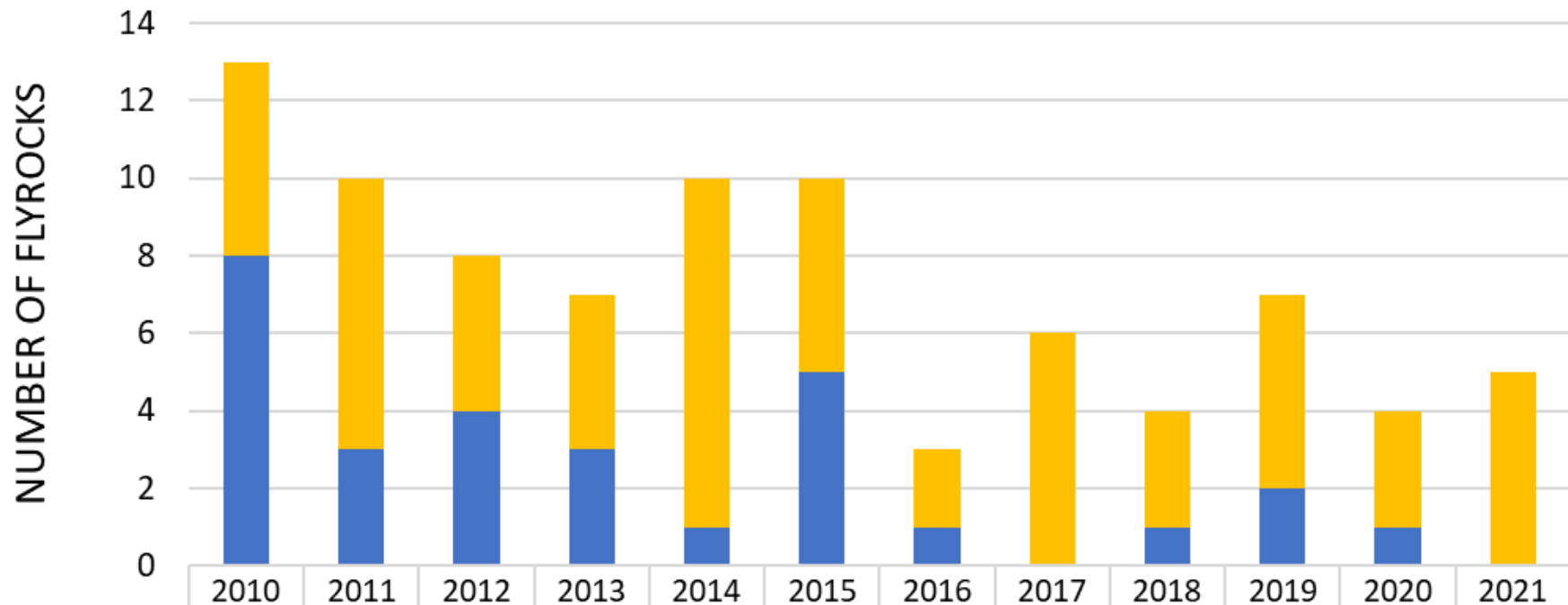
EXPLOSIVES AND BLASTING PROGRAM



- 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 2021, the Blasting Program had investigated 35 blasting complaints.
- Forty-one (41) blasting trainings have been held to date.
- Permit-to-purchase or Receive explosives:
 - Coal : 47
 - Non-coal: 114

EXPLOSIVES AND BLASTING PROGRAM: FLYROCKS

NUMBER OF FLYROCKS FOR COAL AND NON-COAL
2010 - July 2021



■ Number of Flyrocks (non-coal)
■ Number of Flyrocks (coal)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of Flyrocks (non-coal)	5	7	4	4	9	5	2	6	3	5	3	5
Number of Flyrocks (coal)	8	3	4	3	1	5	1	0	1	2	1	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