

**35TH ANNUAL KENTUCKY PROFESSIONAL ENGINEERS IN
MINING SEMINAR:
KENTUCKY DIVISION OF MINE RECLAMATION
AND ENFORCEMENT**



**KENTUCKY DEPARTMENT FOR NATURAL RESOURCES
ENERGY AND ENVIRONMENT CABINET
AUGUST 19, 2022**

DMRE THIS YEAR

Coal Program

- *Inspection activity and staffing*
- *Enforcement trends*
- *Monitoring highwall*
- *Extensions beyond 90 days*
- *Bond Release*
- *Bond Forfeiture*
- *Citizen's Request for Inspection (CRI's)*

Non-Coal Program

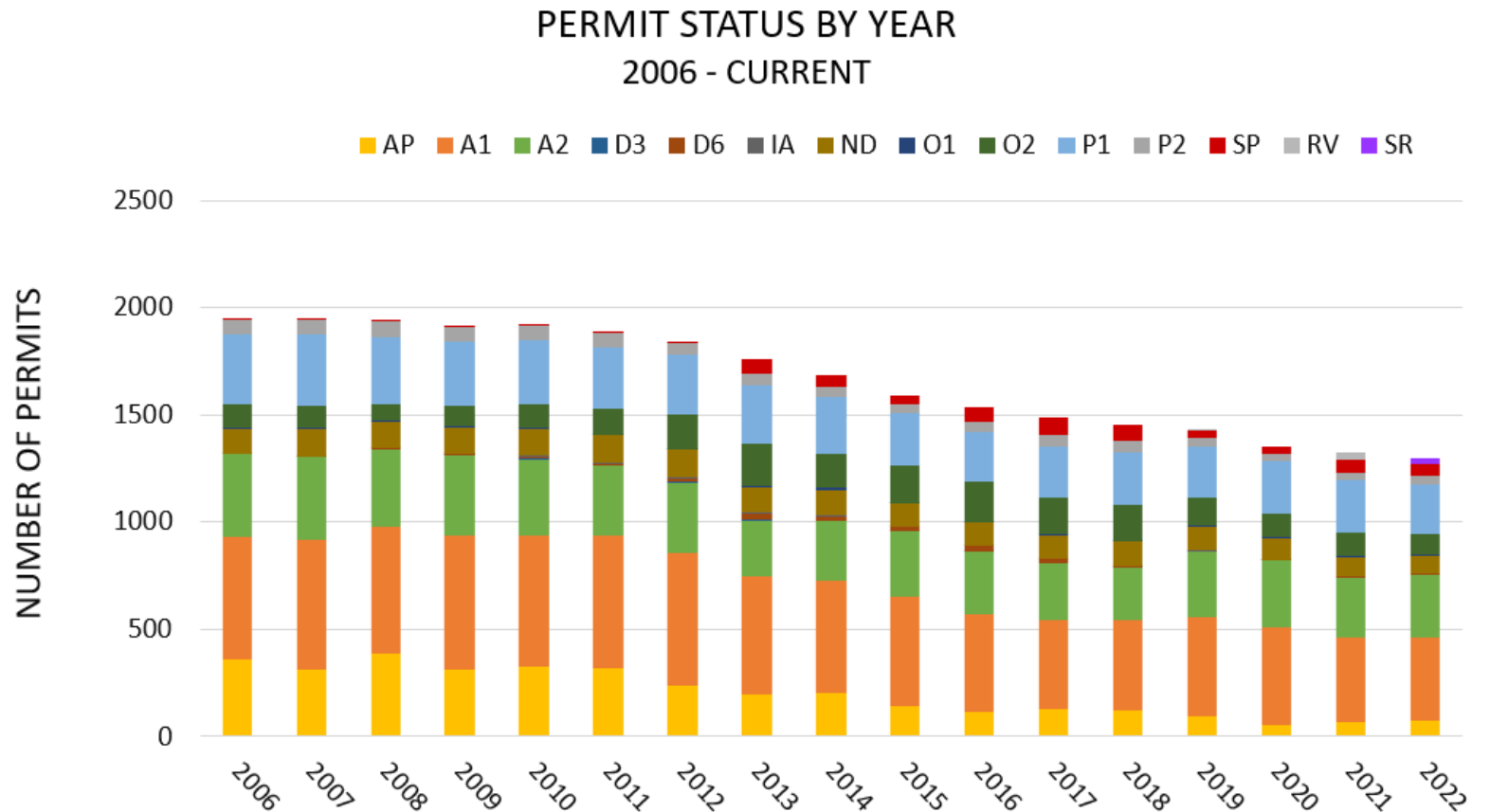
- *Permit review and enforcement*
- *Recent national reclamation award winner*

Explosives and Blasting Program

- *Metrics overview*
- *Flyrocks across the state*

COAL PROGRAM: INSPECTION ACTIVITY AND STAFFING

- Kentucky currently has bonded 1,296 permits.
- Total number continuing to decline.
- However, 81 permits in AP status (actively producing).
 - This is ~17% increase from 2021.



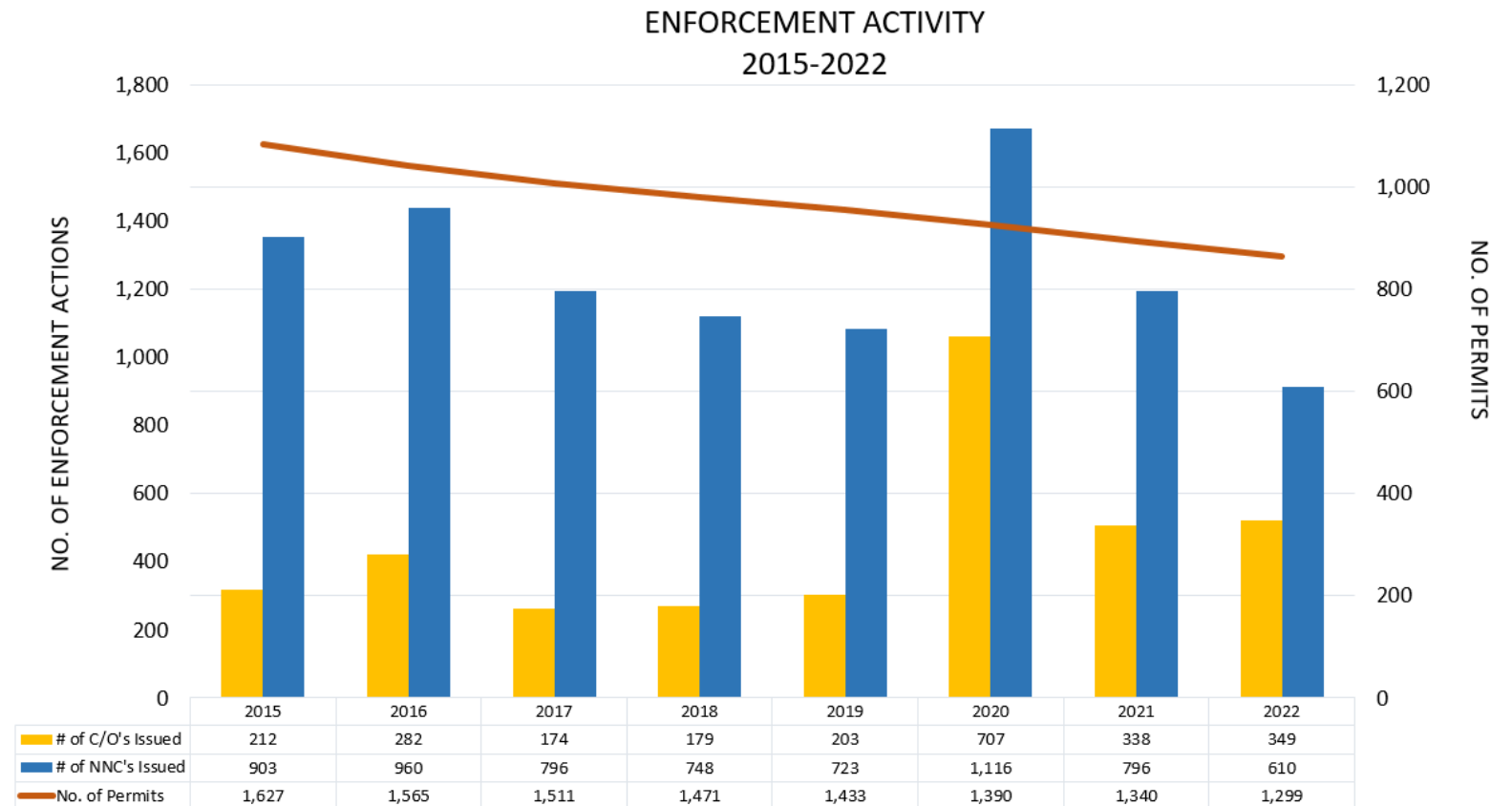
COAL PROGRAM: INSPECTION ACTIVITY AND STAFFING

- DMRE personnel within the coal program conducted 15,425 inspections during Fiscal Year 2022.
 - 9,595 partial inspections
 - 5,469 complete inspections
 - 361 inspections of exploration notices
- Inspection frequency remained high at over 99%.
 - *Only two (2) missed inspections during the year.*
- DMRE has 55 inspection staff as of July 2022.
 - No change from last year; Permit-to-inspector ratio is 24:1
 - *Within ratio specified by OSM.*



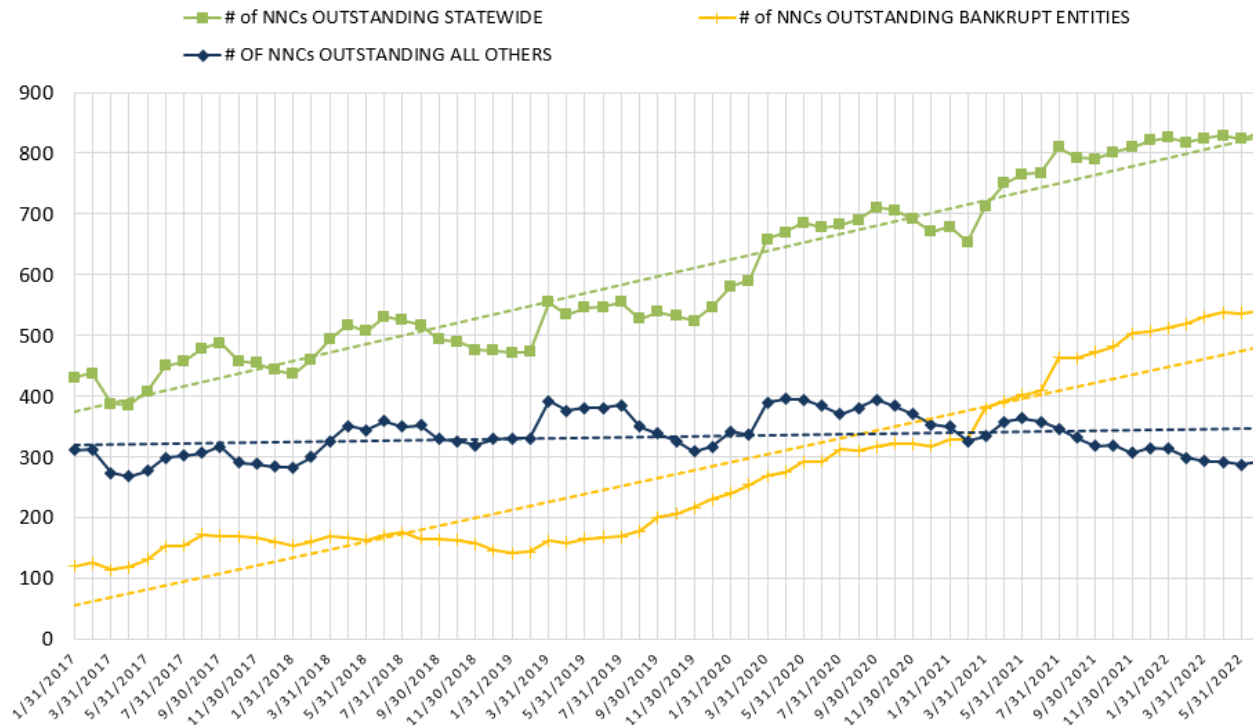
COAL PROGRAM: ENFORCEMENT TRENDS

- In FY2022, DMRE issued:
 - 610 Notices of Non-Compliance (NNCs)
 - **45% decrease** from 2020.
 - 339 FTACOs
 - 9 IDCOs
 - **50% decrease** from 2020.
- Most common performance standards in FY2022 are:
 - Water Monitoring
 - Sediment Ponds
 - Liability Insurance



COAL PROGRAM: ENFORCEMENT TRENDS

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

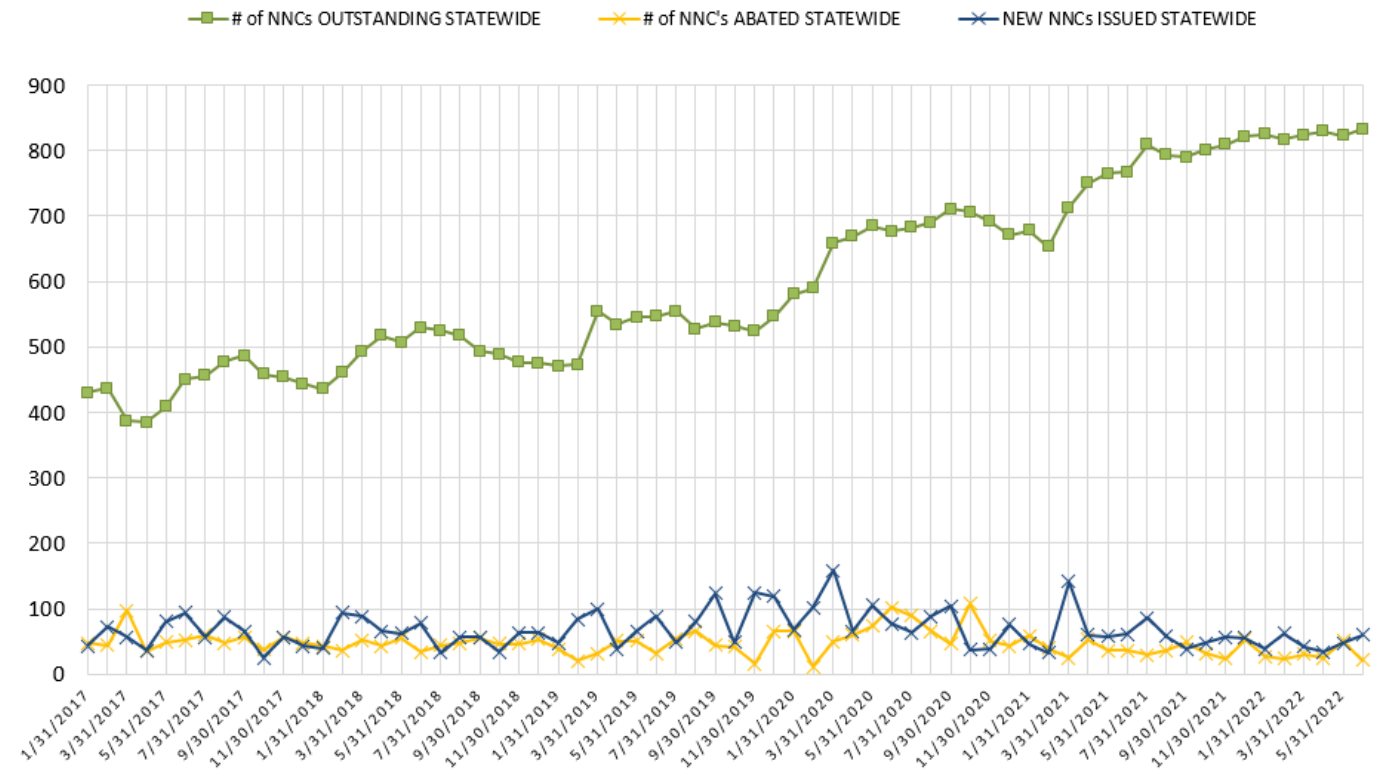


- Outstanding NNCs continue to increase across the State.
 - **Up nearly 94%** since 2017.
- Much of this can be attributed to *bankrupt entities*.
 - Bankrupt entities comprise **65%** of the outstanding violations in the State.
 - Removing the bankrupt entities, DMRE has actually observed:
 - **6% decrease** in outstanding NNCs since 2017.
 - **20% decrease** from June 2021 vs June 2022.

COAL PROGRAM: ENFORCEMENT TRENDS

COMPARISON OF STATEWIDE OUTSTANDING, ABATED, AND NEWLY ISSUED
NOTICE OF NON-COMPLIANCES
WITH TRENDLINES
2017 TO PRESENT

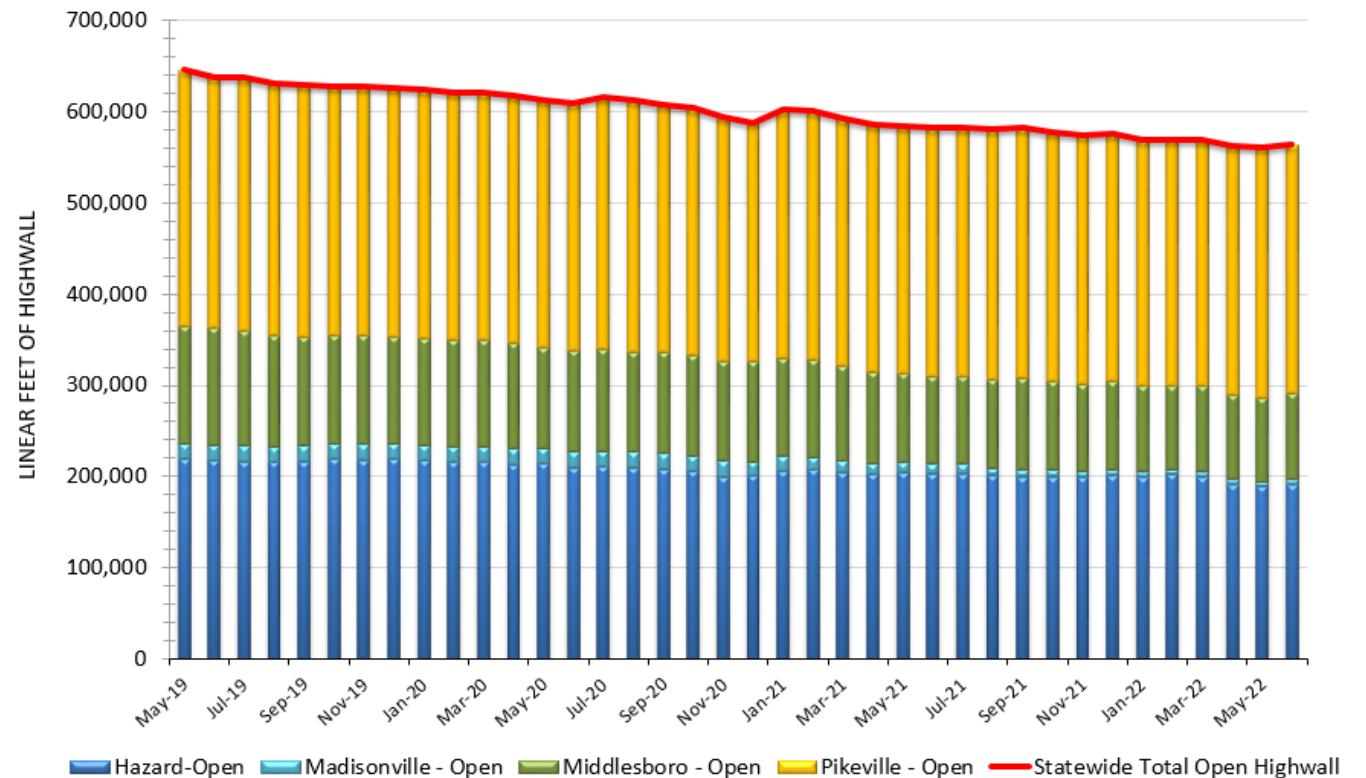
- DMRE is observing that the *rate of abatement continues to lag behind the rate of new violations issued*.
 - Permittees must continue to diligently pursue abatement in a timely manner.
- Off-site impacts have notably decreased:
 - **26% reduction** from 2021 to 2022.
 - Sediment control structures must be maintained (ponds dipped, diversions and culverts maintained).



COAL PROGRAM: MONITORING HIGHWALL

- DMRE staff are closely monitoring highwall and highwall reclamation efforts.
 - Tracking both active and idled operations.
- Since January 2022, DMRE has observed more than 50,000 LF of highwall created and over 56,000 LF of highwall reclaimed.
 - This is a ***net reduction*** of more than ***6,000 LF*** this year.
- Since 2019, total highwall across the State has been ***reduced*** by more than ***12 percent***.

LINEAR FEET OPEN HIGHWALL BY REGION
MAY 2019 - CURRENT



COAL PROGRAM: EXTENSIONS BEYOND 90 DAYS

- **Reminder:**
 - Extensions **under** 90 days are handled at the Regional Office.
 - Extensions **beyond** 90 days are reviewed and approved/denied by the Director.
- 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).
- DMRE saw a nearly **50% increase** in extension requests from 2020 to 2021.
- ***Will not extend environmentally-impacting violations unless the permittee has a valid reason.***



COAL PROGRAM: BOND RELEASE



- DMRE continues to recommend that permittees seek bond release at the **earliest opportunity** available.
- FY2022 bond release numbers are down from FY2021:
 - Phase I: 6% reduction
 - Phase II: 34% reduction
 - Phase III: 37% reduction.

COAL PROGRAM: BOND FORFEITURE

- Forfeitures have **decreased** in FY2022 due to:
 - Stabilization in the industry;
 - Cabinet seeking regulatory solutions to achieve reclamation on permits when there are no purchasers in the bankruptcy.
- In FY2022, DMRE finalized one (1) bond forfeiture and entered into one (1) Surety Reclamation Agreement.
 - The SRA includes 31 permits.



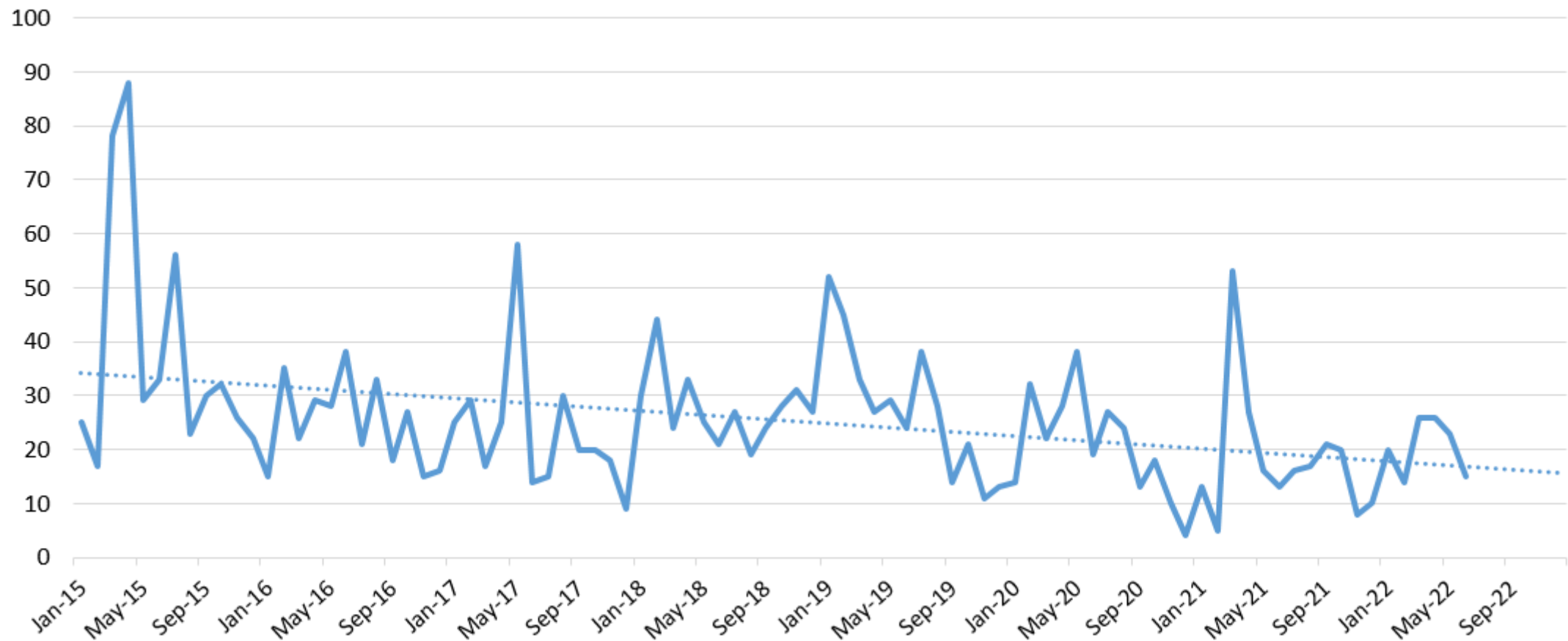
COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION



- DMRE is observing an increased number of Citizen's Request for Inspection (CRIs) related to fugitive gas and subsidence (primarily W. KY).
- Total CRIs continue to decline each year.
 - FY2022: 216 CRIs; FY2021: 223 CRIs
- Primary violations issued as the result of CRIs in FY2022 include:
 - Hydrologic requirements (seeps)
 - Water quality
 - Effluent limitations
 - Sediment ponds

COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION

NUMBER OF CRI'S RECEIVED



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

✉ [Gina McGinnis](#), Environmental Control Manager

121 Mays Branch Road
Pikeville, KY 41501
606-433-4008

Counties - Pike, Martin, Floyd, Johnson, Lawrence, Boyd,
Carter, Greenup, Lewis

Madisonville Branch

✉ [Greg Logsdon](#), Environmental Control Manager

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

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

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

✉ [Steve Vance](#), Assistant Director

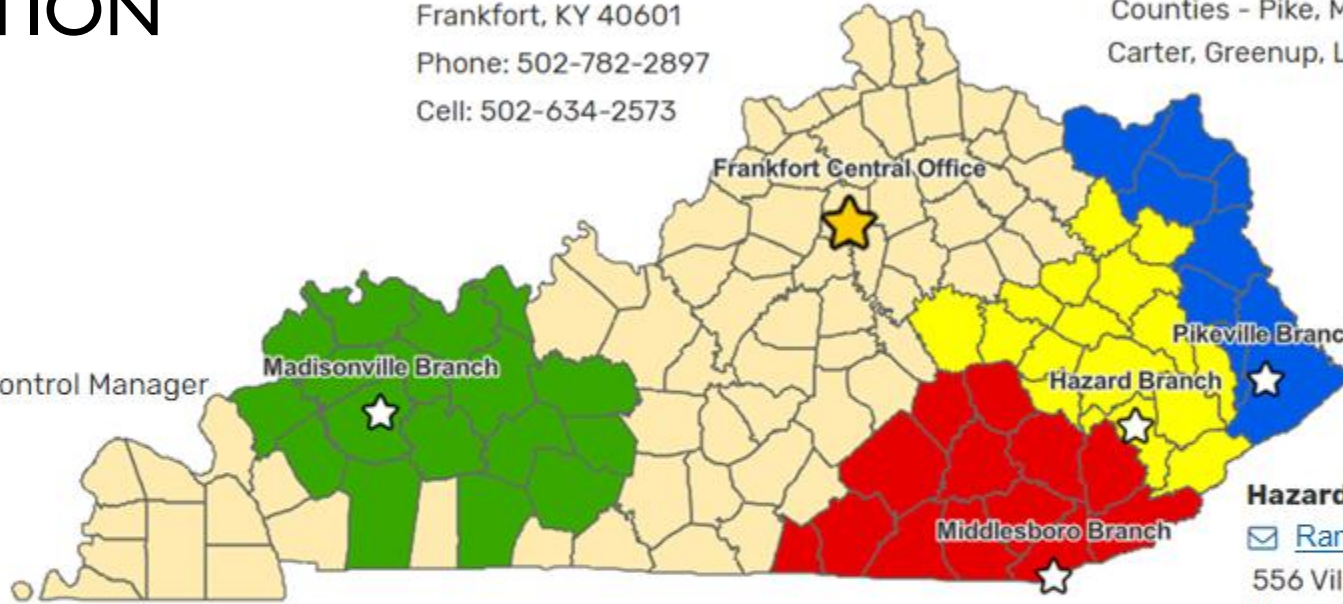
Phone: 606-487-3745

Hazard Branch

✉ [Randall Ousley](#), Environmental Control Manager

556 Village Lane
Hazard, KY 41702
Phone: 606-487-3705

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



NON-COAL PROGRAM: PERMIT REVIEW AND ENFORCEMENT

- As of FY2022:
 - 243 non-coal permits in Kentucky
 - 42,906 total permitted acres.
 - **6% increase** from FY2021.
 - 962 inspections conducted.
 - Two (2) violations issued:
 - One for mining without a permit.
 - One for permit conditions and off-permit disturbance.
 - 12 citizen complaints investigated.
 - **37% decrease** from EY2021.
- Hiring additional inspector (will be 5 inspectors total).



NON-COAL PROGRAM: IMCC 2022 RECLAMATION AWARD WINNER

- The Interstate Mining Compact Commission (IMCC) awarded a ***national reclamation award*** to a Kentucky non-coal permit in 2022.
 - Welch Concrete Products LLC, Permit No. 018-9600
- DMRE hopes to continue encouraging exemplary reclamation of non-coal sites.



EXPLOSIVES AND BLASTING PROGRAM



- As of FY2022:
 - 506 licensed blasters in KY
 - **13% decrease** since June 2020.
 - Conducted 535 inspections;
 - Received 65 blasting-related complaints;
 - Issued 9 citations;
 - 2 flyrock incidents
 - Both non-coal.

CONCLUSION



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

Steve Vance, Assistant Director
Division of Mine Reclamation and Enforcement
606-231-7154
Steve.Vance@ky.gov