



# **Division of Mine Reclamation and Enforcement**

**Courtney G. Skaggs, Acting Director**

# 2015 and 2016 Inspectable Units by Permit Status



# *Enforcement Activity*

The background of the slide is a faded photograph of a mining or construction site. In the upper right, a yellow front-end loader is visible, and next to it is a white dump truck. The ground is covered with large, dark grey rocks and piles of material. The overall scene is hazy, suggesting a dusty or misty environment.

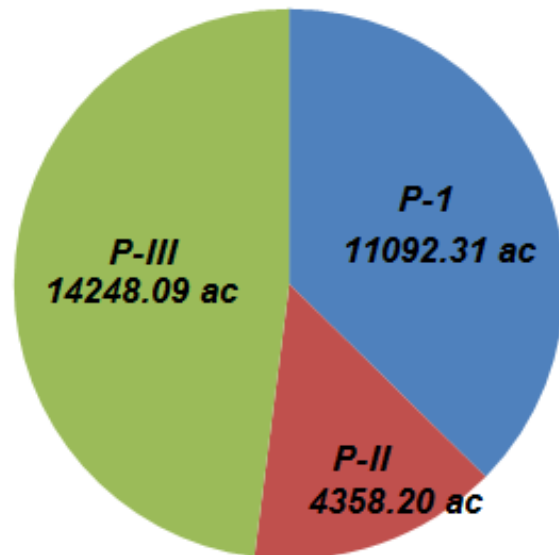
- **2015:**
  - **1,067 Notice of Non-Compliance Issued**
  - **1,728 Performance Standards violations issued**
  - **308 Cessation Orders**
    - **290 Failure-to-Abate**
    - **18 Imminent Danger**
- **2016: (January through July):**
  - **451 Notice of Non-Compliance Issued**
  - **794 Performance Standards violations issued**
  - **86 Cessation Orders**
    - **75 Failure-to-Abate**
    - **11 Imminent Danger**

# Bond Release Comparison 2015-2016

## 2015

35,211.84 acres granted a phase release

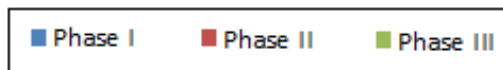
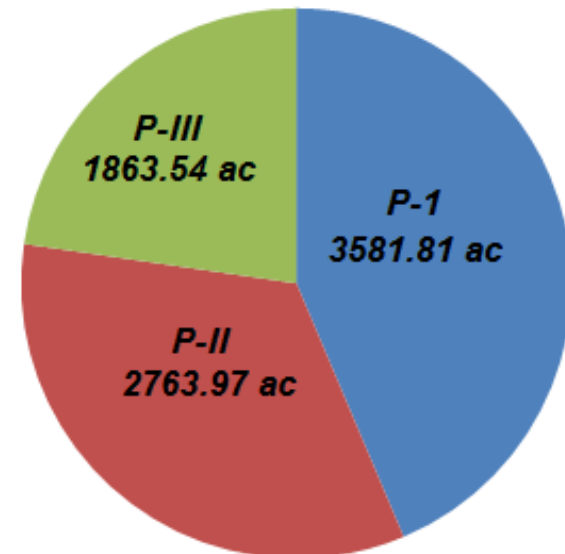
- Phase I: 11,092.31 acres
- Phase II: 4,358.20 acres
- Phase III: 14,248.09 acres



## 2016

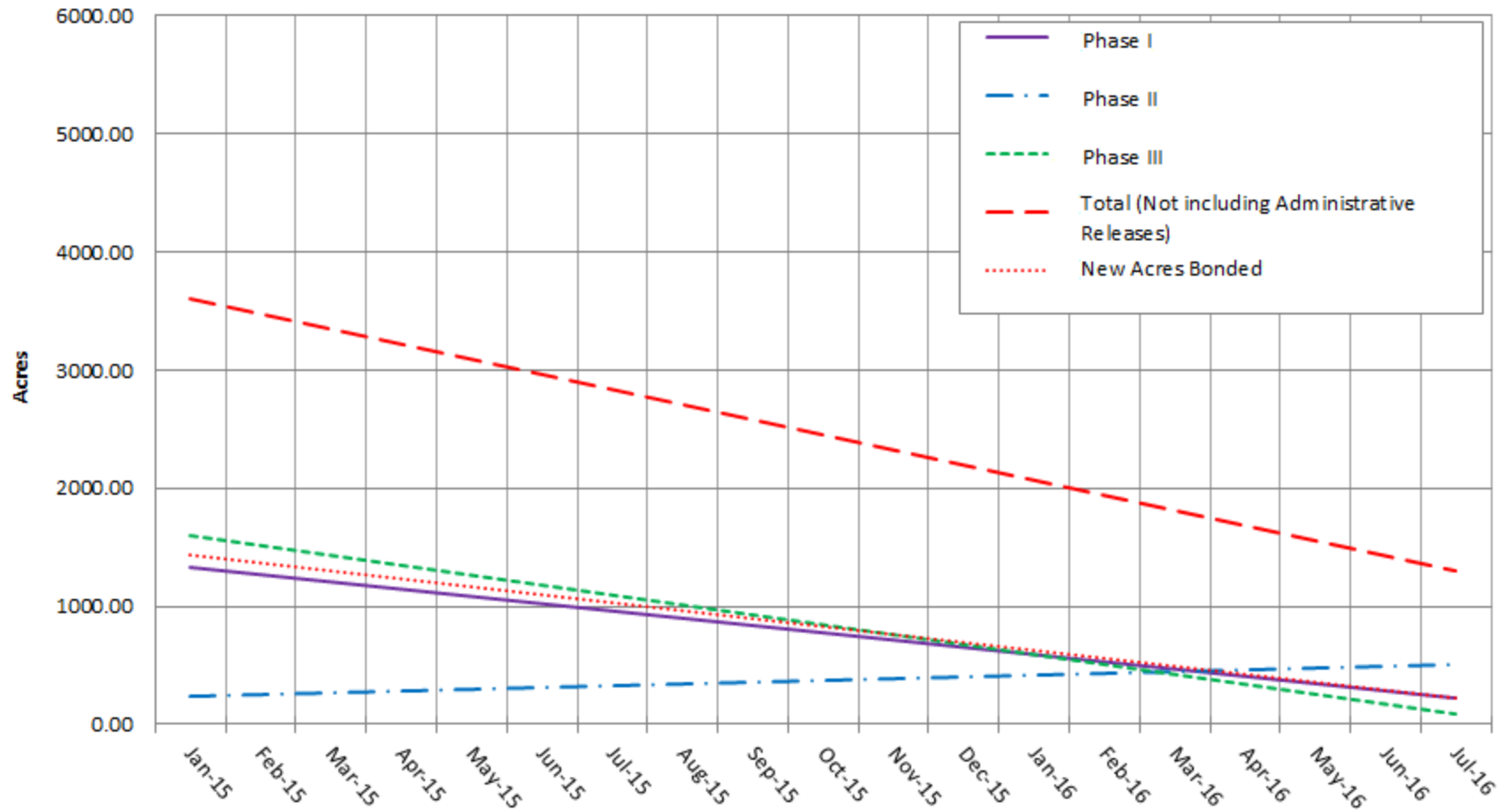
11,390.56 acres granted a phase release

- Phase I: 3,581.81 acres
- Phase II : 2,763.97 acres
- Phase III: 1,863.54



# Acreage Trends of Granted Comprehensive Releases

January 2015 to July 2016



# *Bond Release Initiative*

- Collaborative effort between DMRE and the Division of Mine Permits (DMP) to facilitate submission and approval of bond release applications.

## DMRE

- Identification of permits that are potentially eligible for Phase 1, 2, 3 bond release
- Assess disturbed acreage vs. reclaimed acreage
- Evaluation of time in mine status (ex. A2, P1, P2)
- Input from inspection staff and consultation with bond release specialists

## DMP

- Permit review and correction of revisions to facilitate bond release

- 405 KAR 10:040 Section 1 allows for initiation of bond release applications by the Cabinet.

# *Blasting and Explosives Branch*

## *Fly Rock Events & Explosive Violations*



- 2015: Four (4) flyrock events were investigated
  - 13 explosive violations issued
- 2016 One (1) fly rock event was investigated
  - 10 explosive violations issued
- To date, total explosive violations have decreased by 25%.

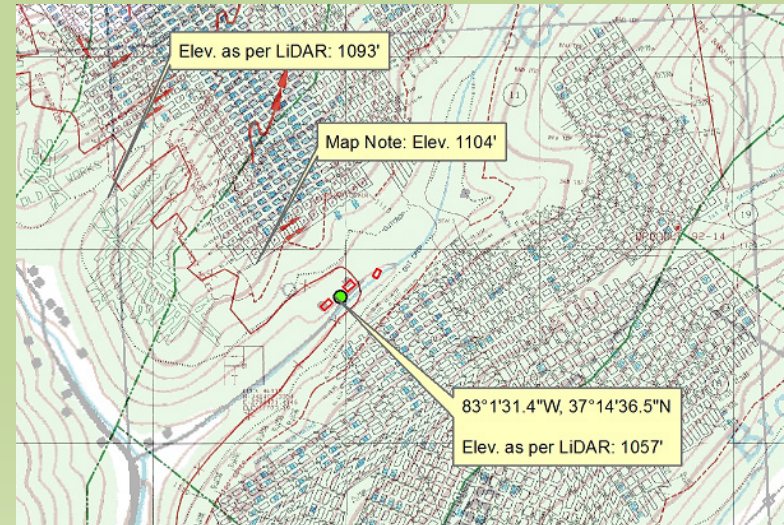


# *Citizen Request for Inspection*

**2015: 462 received**

**2016: 192 received**

**CRI's received from January-July  
2015-2016 are down 43%.**



- **DMRE currently has 31 investigations pending**
  - **Average time to complete an investigation is 195 days**
  - **Realignment of complaint investigation staff and training**



# *Bond Forfeiture*

- 2015: 26 forfeitures totaling \$1,543,029.00 dollars in bond.
- 2016 : 14 forfeitures totaling of \$343,805 dollars in bond.
  - This constitutes a 33% increase in bond forfeitures when comparing January to July 2015 & 2016.
- Major causes for permit bond forfeiture:
  - Failure to pay Kentucky Reclamation Guaranty Fund (KRGF) fees
  - Voluntary forfeiture due to bankruptcy/insolvency
  - Administrative forfeiture initiated by DMRE due to unabated violations
- Regulatory considerations in lieu of bond forfeiture:
  - 405 KAR 10:050 Section 1(3)
  - 405 KAR 10:025

# OSM Oversight

- **The Lexington Field Office (LFO) will conduct results-oriented reviews in conjunction with DMRE to look at the following:**
  - Slurry Impoundment Breakthrough Potential Study
  - Underground Mine Pool Study
  - Inspection Frequency and DMRE Staffing
  - Industry Compliance
  - Fill Inventory
  - Bond Forfeiture Study
  - Off-Site Impact Report
  - Long Term Treatment (LTT) Inventory Policy and Practice Study
  - Blasting Special Study
  - Phase I Release and Inspection Frequency Special Study

# *Other News...*

The entire Energy and Environment Cabinet (EEC) has moved to a new building. The new location is 300 Sower Boulevard Frankfort, KY 40601.

- DMRE is located on the second floor.
- Building Security at check in.
- A new phone system is in place that now allows for direct lines and voicemail for all employees



DMRE recently purchased a DJI Inspire 1 Pro unmanned aerial vehicle (UAV).

- Nine missions flown since April 2016.
- The drone is being used to photograph & video mine sites to document mining progression, reclamation of highwall, and revegetation of disturbed areas.