

REMINING SURVEY QUESTIONNAIRE (UPDATE)
Conducted by the National Association of Abandoned Mine Land Programs
2006

**TITLE V REGULATORY RECLAMATION INCENTIVES
FOR
ABANDONED MINE LANDS**

SITE SPECIFIC RECLAMATION STANDARD INCENTIVES

(Check the appropriate response)

1. **AOC Variance:** Does your State/Tribe utilize backfilling and grading standards to allow changes in final grading where insufficient spoil exists at the site?

Yes No Other

9 YES – WV, UT MD, MO, AK, VA, PA, KY, OH

2 NO – IL, KS

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA- DMME requires highwall elimination to the maximum extent practical using all reasonable available spoil.**

UT- The positioning slope may vary from AOC when the Division approves a variance. All reasonable available spoils should be used to backfill the area to achieve the lowest practicable grade, but not more than the angle of repose. Backfilled material must have a static safety factor of at least 1.3

MO – MO allows variances, but does not actively have any remining project.

NM – No remining has taken place in New Mexico.

2. **Topsoil Substitute:** Does your State/Tribe utilize topsoil substitutes for previous mined lands?

Yes No Other

11 YES – WV, IL, UT, MD, MO, AK, VA, PA, KS, KY, OH

11 NO RESPONSE- AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – Topsoil substitutes often prove to be a better growth medium for vegetation than was the original topsoil.**

UT – Selected overburden materials may be substituted for, or used as a supplement to topsoil if the operator demonstrates to the Division that the resulting soil medium is equal to, or more suitable for sustaining vegetation. A variety of tests may be used to determine suitability.

MO – The existing material may have amendments or other material may be brought in with amendments to replace topsoil.

3. **Post Mining Land Use:** Does your State/Tribe utilize modified standards for previous mined lands where the post mining land use is based on the highest and best use that can be achieved that is compatible with the surrounding areas?

Yes No Other

8 YES- WV, UT, MD, MO, AK VA, PA, KY

3 NO - IL, KS, OH

11 NO RESPONSE-AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – Permits issued prior to 9/30/04 can qualify remining standards which allow a two year liability period instead of a five year liability period.**

UT – Higher or better uses may be approved by the Division as alternative postmining land uses after consultation with the landowner or the land management agency having jurisdiction, if the proposed use has reasonable likelihood of occurring, is consistent with land use policies and will not cause delay in implementation.

MO – Previously mined lands may be altered to serve better purposes.

4. **Auger Mining Reclamation:** Does your State/Tribe utilize modified standards when auger mining on a previous mined land bench? The reclamation must abate adverse impacts, stabilize the site and enhance the land use.

Yes No Other

4 YES – WV, MD, KY, OH

3 NO – IL, VA, PA

3 OTHER – UT, MO, AK

1 N/A - KS

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, , NAVAJO, TX, MT, NM, WY

Describe: **VA- Highwalls still must be reclaimed to the maximum extent.**

UT – Auger mining has not been used in Utah.

MO – No auger mining in Missouri.

AK – Never been and issue.

5. **Excess Spoil Disposal on Pre-existing Benches:** Does your State/Tribe utilize disposal of excess spoil on pre-existing benches within the permit area?

Yes No Other

8 YES – WV, UT, MD, AK, VA, PA, KY, OH

1 NO – IL

1 OTHER – MO

1 N/A - KS

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – DMME strongly encourages disposal of spoil on benches rather than spoil disposal in hollow fills and valley fills. VA also allows companies to dispose of spoil on AML projects through no-cost agreements. In this, the company does not have to permit the AML site and pays all cost for reclamation.**

UT – Disposal of excess spoil is allowed in non-steep slope areas to restore the appropriate original contour by blending the spoil into the surrounding terrain if topsoil is salvaged and redistributed, and final graded slopes are graded to minimize erosion and are suitable for the postmining land use.

MO – No benches in Missouri.

ADMINISTRATIVE INCENTIVE (BONDING, PERMITTING, ETC)

(Check the appropriate response)

6. **Bond Credits:** Does your State/Tribe utilize a program to provide bond credit for voluntary reclamation of abandoned mine lands? Variations could include application of bond credit on other permits, combination of bond credit and other bonds, posting contract performance bond to support bond credit, and non-transferable Bond Credits.

Yes No Other

4 YES – WV, MD, PA, KY

7 NO – UT, MO, AK, VA, KS, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe:

7. **EPAct Unanticipated Event:** Does your State/Tribe utilize the 1992 Energy Policy Act Remining Incentive for an “Unanticipated Event?” States will not block a permit based on an “unanticipated event or condition” encountered on a remining operation.

Yes No Other

6 YES – WV, MD, AK, VA, KY, OH

5 NO – UT, MO, PA, KS, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **KY – This provision of the ACT expired and should be reinstated.**

8. **No Cost Contracts.** Does your State/Tribe utilize the placement of spoil from an active mine onto adjacent AML lands through an agreement with the AML Program? May also be a method to allow for the reclamation of refuse areas by removal to co-generation plants or preparation plants.

Yes No Other

7 YES – WV, MD, AK, VA, PA, KY, OH

4 NO – UT, MO, KS, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – DMME has realized considerable success using these agreements.**

9. **Mine Operator Contracts:** Does your State/Tribe utilize direct negotiated cost contracts with adjacent mine operators on AML?

Yes No Other

3 YES – MD, PA, OH

6 NO – WV, MO, AK, VA, KS, IL

1 N/A - KY

12 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY, UT

Describe: **KY has done this in the past, but it is rare since state contracting laws require competitive bidding.**

10. **Civil Penalty Assessments:** Does your State/Tribe utilize civil penalty assessments for the reclamation in lieu of civil penalty assessment?

Yes No Other

4 YES – MD, PA, KY, OH

5 NO – WV, UT, MD, KS, IL

1 OTHER – VA

12 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY, AK

Describe: **VA – Settlement agreements negotiated between the offending company and VA’s Title V program often provide funds for AML reclamation. Civil penalties for Title V offenses are often directed to improvements of state parks.**

11. **Adjustment of Mine Permitting Fees:** Does your State/Tribe utilize the adjustment of mine permitting fees through the State RA as financial assistance (or other mechanisms) to reduce or eliminate the administrative fees associated with permitting and maintenance of areas subject to mining?

Yes No Other

0 YES

11 NO – WV, UT, MD, MO, AK, VA, PA, KS, KY, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe:

12. **Forfeiture Reclamation Incentives:** Does your State/Tribe utilize financial assistance (or other mechanisms) to encourage the reclamation of adjacent forfeited areas? Through State RA offer incentives (reduced fees, bond costs, etc) for mining operations that incorporated adjacent forfeited areas. This could include simple reclamation or additional coal recovery at the forfeited site.

Yes No Other

3 YES – MD, VA, PA

8 NO – WV, UT, MO AK, KS, KY, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **WV – We have in our code that allowed for coal removal in the reclamation of forfeited sites that was similar to AML enhancement but OSM did not approve the language.**

13. **Expedited permit review** Does your State/Tribe utilize expedited permit review through State RA to encourage remining?

Yes No Other

1 YES – VA

10 NO – WV, UT, MD, MO AK, PA, KS, KY, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – permit review teams can visit the remining site and iron out any issues prior to the application being prepared and submitted.**
WV – Almost all surface mines in WV have some form of land remining activity associated with them and are not considered as remining.

WATER QUALITY INCENTIVES

(Check the appropriate response)

14. **Reduce Pre-mining Sampling:** Does your State/Tribe utilize reduce number of premine samples on remined areas?

Yes No Other

2 YES – AK, VA

9 NO – WV, UT, MD, MO, PA, KS, KY, OH, IL

11 NO RESPONSE-AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **WV – Almost all surface mines in WV have some form of land remining activity associated with them and are not considered as remining. The others are asking for modification of the discharge limits and this may cause an increase in the number of premine samples.**

15. **Rahall Amendment To Clean Water Act:** Does your State/Tribe utilize modified NPDES permit consistent with Section 301(p) of the clean Water Act?

Yes No Other

7 YES – WV, UT, MD, VA, PA, KY, OH

4 NO – MO, AK, IL, KS

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe:

MISCELLANEOUS INCENTIVES

(Check the appropriate response)

16. **Lands Suitable Approach:** Does your State/Tribe utilize a designation for areas suitable for remining? Authorizes State to accept petition for area suitable for remining. Establishes need to get permit to remine in area declared suitable for remining identifying areas for remining and AMD abatement.

Yes No Other

1 YES – VA

10 NO – WV, UT, MD, MO, AK, PA, KS, KY, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – The designation uses the primacy date for VA’s Title VA program.**

17. **Establish Remining Fund.** Does your State/Tribe utilize funding sources for encouraging remining initiatives and goals? Some initiatives may require funding to encourage implementation.

Yes No Other

2 YES – VA, PA

9 NO – WV, UT, MD, MO , AK, KS, KY, OH, IL

11 NO RESPON-AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – Funding sources are within the OSM grant and the state match. Penns UT – There are a number of operators that are utilizing remining of old refuse piles or slurry ponds, but they are funded through sources other than state monies. We do encourage the recovery of waste coal as a means of reducing reclamation liability. The reclamation bond would be reduced, once a refuse pile is removed and reclaimed.**

18. **Authorize Coal Removal.** (AML Enhancement) Does your State/Tribe utilize Mine permit exemption for incidental coal removal? Require contractor to post Bond to meet performance standards similar to PA (Pennsylvania) SMCRA. Restrict coal removal at Government Financed Reclamation Contract in areas subject to restriction.

Yes No Other

6 YES – WV, MD, VA, PA, KY, OH

4 NO – MO, AK, KS, IL

12 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, UT, TX, MT, NM, WY

Describe: **VA- VA is experiencing considerable success in accomplishing AML reclamation through enhancement.**

19. **Coal Refuse Reprocessing.** Does your State/Tribe utilize reprocess abandoned coal refuse piles as means of AML reclamation?

Yes No Other

5 YES – VA, WV, UT, MO, PA

5 NO – MD, AK, KS, OH, IL

12 NO RESPONSE - AL, AR, CO, CROW, IN, IA, KY, NAVAJO, TX, MT, NM, WY

Describe: **VA – Gob piles can be reprocessed through AML enhancement.**

UT – We certainly encourage operators to utilize refuse piles but in these cases the remining effort would be permitted under Title V.

20. **SOAP Program Assistance.** Does your State/Tribe utilize financial assistance (or other mechanisms) to encourage remining through the SOAP.

Yes No Other

5 YES – WV, MD, PA, KY, OH

5 NO – UT, MO, AK, KS, IL

1 OTHER – VA

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **VA – SOAP has not been active in VA.**

UT – We do have a SOAP program but it is not currently being utilized.

21. **Watershed Approach.** Does your State/Tribe conduct remining activities on a watershed basis to focus resources and ensure that they produce the greatest benefit to the environment.

Yes No Other

3 YES – UT, VA, KY

8 NO – WV, MD, MO, AK, PA, KS, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **WV – Mining companies select the areas to be remined. One company has permitted three remining operations in the same watershed that produced a benefit to the environment in the watershed.**

UT – Any remining done in the state would be permitted under the Title V program and would need to be conducted according to the Title V standards, which would include a CHIA.

22. **Tax Incentives.** Does your State/Tribe utilize State tax (mineral/special reclamation/operational tax) refunds to encourage remining?

Yes No Other

6 YES – WV, UT, MD, MO, AK, VA

5 NO – PA, KS, KY, OH, IL

11 NO RESPONSE - AL, AR, CO, CROW, IN, IA, NAVAJO, TX, MT, NM, WY

Describe: **WV – We are currently looking into such incentives on forfeited sites.**