

REMINING SURVEY QUESTIONNAIRE (UPDATE)
Conducted by the National Association of Abandoned Mine Land Programs
2008

**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

YES (MO, PA, AR, KY, ND, OH, WV, AK, MD, OK, VA)

NO (WY, KS, TX)

OTHER ()

Describe: MO- We allow variances, but there are active remining projects at this time. AR-depends on the volume of available spoil. KY-cover coal seam with at least four feet of cover material. ND-An AOC variance can be granted if a permittee demonstrates that thin overburden exists. MD-Most moderate slope possible that eliminates the highwall and provides a minimum long term safety factor of 1.5. Terracing may be used to achieve the required stability. VA- VA requires backfilling with all spoil to eliminate highwall to the maximum extent.

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

YES NO OTHER

YES (MO, WY, PA, KS, KY, TX, OH, WV, AK, MD, OK, VA)

NO (AR, ND)

OTHER ()

Describe: MO-Upon approval, the existing material may be directly amended or other suitable material may brought in and amended for use as final cover material. WY-our Title V rules allow for soil substitute if there is not enough topsoil material to place on previously mined lands. However, WY activie mines are large enough that sufficient topsoil material exists over the entire permit area to preclude the need for topsoil substitutes. AR-the permittee is free to use a substitute provided it has an equal or better growing potential. KY-alternate topsoil approved from other mining strata. MD-Although not considered a "substitute", lower soil horizons can be used whenever the "A" horizons are insufficient to achieve at least 6" of cover.

3. **Post Mining Land Use:** Does your State/Tribe utilize modified standards for previously 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

YES (MO, PA, KY, OH, WV, AK, MD, OK, VA)

NO (WY, AR, KS, ND, TX)

OTHER ()

Describe: MO – ground cover must be stored to at least its original density, but not less than that necessary to control erosion. Productivity testing is not required on pasture land that was previously mined. MD-AML sites reclaimed through Title V can achieve Phase III bond release in 2 years. VA- VA is adopting new ground cover regs for reforestation.

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

YES NO OTHER

YES (KY, WV, OK, VA)

NO (WY, PA, TX, OH, MD)

OTHER (MO, AR, AK)

N/A (KS, ND)

Describe: MO – no auger mining in Missouri; WY-no specific mention is made in the rules but in practice the above scenario could happen. AR-the only auger operation was at the base of a highwall created by the permittee. The area was backfilled. AK-Auger mining not used in Alaska.

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

YES (PA, KY, OH, WV, AK, MD, VA)

NO (WY, TX, OK)

OTHER (MO, AR)

N/A (KS, ND)

Describe: MO – no benches in Missouri; WY-No mention in regulations either allowing it or preventing it. The reality is WY has very little lands that fit this category. AR-no bench mining (contour mining) has occurred in AR. VA- VA Strongly encourages disposal on pre-SMCRA benches.

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

YES (PA, KY, WV, MD)

NO (MO, WY, AR, KS, ND, TX, OH, AK, OK, VA)

OTHER ()

Describe: MD-Operators are eligible for reduced bond rates if they are reclaiming AML as part of the Title V operation.

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

YES NO OTHER

YES (KY, WV, AK, VA)

NO (MO, WY, PA, AR, KS, ND, TX, OH, MD)

OTHER (OK)

Describe:

8. **No Cost Contracts:** Does your State/Tribe utilize the placement of excess 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

YES (PA, KY, OH, WV, AK, MD, VA)

NO (MO, WY, AR, KS, ND, TX, OK)

OTHER ()

Describe: WY-we have in the past although we generally avoid it. MD-Maryland regs allows this, although it is rarely (if ever) used. VA- VA strongly encourages this.

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

YES NO OTHER

YES (WY, PA, OH, MD)

NO (MO, AR, KS, KY, ND, TX, WV, AK, VA)

OTHER (OK)

Describe: WY-we have in the past although we generally avoid it. MD-Sole source procurement contracts are occasionally used for adjacent AML sites if a cost saving can be achieved and the Title V site is needed for spoil disposal or some other integral part of the AML reclamation.

10. **Civil Penalty Assessments:** Does your State/Tribe utilize civil penalty assessments on active mine sites to obtain AML reclamation in lieu of payment of civil penalties?

YES NO OTHER

YES (PA, KY, OH, OK, VA)

NO (MO, WY, AR, KS, ND, TX, WV, AK, MD)

OTHER ()

Describe:

11. **Adjustments 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 re-mining?

YES NO OTHER

YES (PA)

NO (MO, WY, AR, KS, KY, ND, TX, OH, WV, AK, MD, OK, VA)

OTHER ()

Describe: MD-Maryland's permitting fees are \$10.

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

YES (PA, MD)

NO (MO, WY, KS, KY, ND, TX, OH, WV, AK, OK,)

OTHER (AR)

Describe: AR-we disposed gob material from an AML project in an open pit of a bond forfeiture site. ND-this has never been an issue. MD-Mine operators are encouraged to dispose of excess spoil on adjacent forfeitures and they may be offered a sole source contract if there is justification.

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

YES NO OTHER

YES (VA)

NO (MO, WY, PA, AR, KS, KY, TX, OH, WV, AK, MD, OK)

OTHER ()

Describe: VA- VA can assemble a review team to field review the permit prior to the initial submittal

WATER QUALITY INCENTIVES

(Check the appropriate response)

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

YES NO OTHER

YES ()

NO (MO, WY, PA, AR, KS, KY, ND, TX, OH, WV, AK, MD, VA)

OTHER (OK)

Describe:

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

YES (PA, KS, KY, OH, WV, MD, VA)

NO (MO, AR, ND, TX, AK)

OTHER (WY, OK)

Describe: WY- unknown – issued by a different division of State government. MD-A permittee can apply for modified discharge standards based on one-year background sampling.

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. Established need to get permit to remine in area declared suitable for remining identifying areas for remining and AMD abatement.

YES NO OTHER

YES (WY)

NO (MO, PA, AR, KS, KY, ND, TX, OH, WV, AK, MD, OK, VA)

OTHER ()

Describe: WY-more than one question here. Yes to the first part. It is not clear that a decision to mine after being declared unsuitable is possible.

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

YES (PA)

NO (MO, WY, AR, KS, KY, ND, TX, OH, WV, AK, MD, OK, VA)

OTHER ()

Describe:

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. Restricts coal removal at Government Financed Reclamation Contract sites to areas subject to restriction.

YES NO OTHER

YES (PA, KY, WV, MD, OK, VA)

NO (MO, WY, AR, KS, ND, TX, AK)

OTHER ()

Describe: WY-no specific rule that addresses that issue. MD- AML enhancement has been limited to gob piles, although we are undergoing review on our first daylighting to remove an AML highwall. VA- VA has initiated many AML enhancement projects.

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

YES NO OTHER

YES (MO, PA, WV, MD, VA)

NO (WY, AR, KY, ND, TX, AK)

OTHER (KS, OH, OK)

Describe: WY-very few refuse piles so it has not been an issue. KS-I am not sure what you are looking for here. We have AML reclamation occurring on coal refuse piles, but these are done under Title V permits. Would the question be better phrased by saying "Does your State/Tribe utilize reprocessing of abandoned coal refuse piles as a means of AML reclamation without permitting them under Title V?" This would indicate if there was any Title V permit requirement to do the AML work. OH- Currently examining this issue. MD-Under the AML enhancement rules.

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

YES NO OTHER

YES (KY, VA)

NO (MO, WY, PA, AR, KS, ND, TX, OH, WV, AK, MD, OK)

OTHER ()

Describe:

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

YES NO OTHER

YES (WV)

NO (MO, WY, PA, AR, KS, KY, ND, TX, OH, MD, OK, VA)

OTHER ()

Describe: AK-no response to this question.

Revised 3/10/08