



Coal Mining Regulation Changes

MRAB RLT Committee

October 25, 2012

Topics

- Water Supply Replacement
- Subchapter F and G
- Chapter 89 ELGs
- CRDA Site Selection
- Address Keck Decision

▶ Water Supply Replacement (87 & 88)

- Add definition of O & M Costs
- Exclude soil moisture from the definition of “water supply.”
- Delete the definition of “water supply survey”

Water Supply Replacement

- Require cost information in the application about proposed alternative water supplies (87.47)
- Require notice at the time of the application to the water supply owner about the details of the proposed replacement

Water Supply Replacement

- Add a detailed description of the water supply survey (similar to 89.145a)
- Require prior replacement for supplies that will be impacted
- Adequacy like 89.145a(f)
- Incorporate O & M process from the TGD
- Allow for O & M release by water supply owner

Water Supply Replacement

- Allow waiver of replacement for abandoned water supplies
- Allow for water supply blanket bond
- Clarify presumption language
- Allow for reimbursement of water supply owner's (fair cost)
- Not require reimbursement after bond release

Subchapter F and G

- Define “Encountered Discharge”
- Define “In-stream baseline concentration”
- Incorporate statistical methods from 40 CFR 434, Appendix B

Subchapter F and G

- Allow for 87.102 limits to apply if baseline is less than those limits
- Detailed monitoring program
 - Monthly samples
 - Submit quarterly
 - Flow/Loading Calculations

Subchapter F and G

- Triggers
 - Weekly Monitoring (two monthly exceed)
 - Treatment (4 consecutive weekly)
- Annual Evaluation (12 months of data)
 - Median comparison
 - 95% confidence level

Subchapter F and G

- Require encountered discharges to be treated
- Allow for rerouting

Subchapter F and G-Project XL

- Infeasible to collect data for seeps
 - Too diffuse
 - Baseflow
 - Steep/hazardous
 - Many discharges
- Evaluate based on stream data

89.52 Effluent Limits

- To be consistent with 40 CFR 434
- Eliminate Mn exemption for passive treatment
- Eliminate Alkaline Mn exemption

Keck Decision-June 2007

- EHB held that a person cannot be cited for surface mining coal without a permit unless the person extracts or retrieves some coal
- DEP promised OSM that it would be addressed in the next available rulemaking

Keck Fix

- Incorporate concepts in 86.1 “surface mining activities”:
 - Incident to extraction (30 CFR 701.5)
 - Excavation for the purpose of extracting the coal
 - In connection with mining operations

88.1 Haul Road Definition

- 938.16(mmm)
- Include public roads that are used as an integral part of the mining operation

CRDA Siting Criteria

- 90.201 Definition of “preferred sites”
- Add “area adjacent to or an expansion of an existing coal refuse disposal site.”



Bureau of Mining Programs

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