Division of Mine Reclamation and Enforcement

Courtney G. Skaggs, Acting Director
2015 and 2016 Inspectable Units by Permit Status

<table>
<thead>
<tr>
<th>Permit Status</th>
<th>2015</th>
<th>2016</th>
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<tr>
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<tr>
<td>SP</td>
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</tr>
</tbody>
</table>
Enforcement Activity

• 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 acres
Acreage Trends of Granted Comprehensive Releases
January 2015 to July 2016

- Phase I
- Phase II
- Phase III
- Total (Not including Administrative Releases)
- New Acres Bonded
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

Image courtesy of www.osmre.gov
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.