

# EEC /ACEC-KY

## Partnering Subcommittee Meeting

January 18, 2017 – 10:00am

# Minutes of Meeting

Attending the meeting for EEC was Jeff Baird, Gary Gilliam, Anna Kunzler and Rob Frazier

Attending the meeting for ACEC-KY was David Rasnick, Steve Gardner, Randy Scott, Mike Ricci, Tracy Goff, Charlie Bishop, Jim McGowan and Russ Romine.

David and Russ opened with the committee objectives which are to discuss technical issues encountered during the mine permitting process and how to improve on what is presently being done. The following are topics as they were discussed:

- 1. Coordinated review with MSHA and the Cabinet.** Steve noted that since applications are submitted to each agency for review, it is difficult to get reviews timed such that changes caused by one agency not affect the application to the other agency. Gary stated some operators submit Cabinet and not MSHA at the same time. This delays operator in that MSHA time does not begin until Cabinet finished. Gary suggested submit both at same time, get review from each and resubmit at same time. Charlie says MSHA has taken up to three (3) years to approve.

ACTION: David and Charlie to talk and get with MSHA – Pittsburg. Inform them of EEC willingness to all meet at next EEC / MSHA spring meeting to discuss issue.

- 2. Researching Un-Scanned Permit Applications.** Steve stated the permits that have not been scanned were sent out to regional office and stacked in a room. They are difficult to go through. Jeff said he is aware of problem. They are in the process of scanning permits but it is going slow. If a problem persists, we are to call Jeff and he will make sure the consultant will be assisted in their research.
- 3. What is the need to revise Dry Refuse & Spoil Fills when borrowing material from them to reclaim other part of permit?** Tracy stated that he was told he had to revise the permit to take material out of an existing fill to use to reclaim other parts of permit. He then would have to do another revision showing final configuration of fill. His comment is if the fill stays within the footprint with the toe at the same location, slopes and benches within accepted design, why does this revision process have to take place. Why can't a re-certification of final configuration be acceptable? Rob suggested if reviewer asks for this to call their supervisor. This will be site specific according on what is to be done in field.
- 4. Gas Line Subsidence Issue.** Tracy asked if there could be a thresh hole for gas lines beyond what is in RAM 107 so consultant can tell operator with confidence we can subside under certain field conditions such as 6 inch steel line on top of ground now hanging over the terrain. Gary said we should stick with either RAM 107 or with an engineering analysis showing the gas line will not have material damage to it. Gary said trying to set a thresh hold would be difficult as there are numerous variables that have to be considered.
- 5. What is Need to Re-Certify ponds that have only be Cleaned to Original Capacity?** Tracy stated some inspectors are requiring re-certification of ponds being cleaned with no damage or change to the structure occurring. Jeff talked with DMRE and told them of this issue. All agreed this should not be required. Jeff said Courtney Skaggs will relay this issue to the field offices. Both David and Steve suggested that Courtney be asked to attend these meetings and Jeff said he thought she would glad to.

- 6. LTT Ponds – Standalone Increments. Could we combine numerous permits that may eventually contain only LTT Pond sites?** David stated that we can now get Phase III bond release on permits with modifying the increments such that LTT Pond sites are segregated out. He asked if it wouldn't be an advantage to both the operator and EEC to combine many of these permits into one permit with multiple LTT Ponds. This would not only decrease acreage bonded but also the number of permits. Jeff stated he was not inclined to segregate out LTT ponds into a separate permit. Gary noted that that permit may be the only thing a company ends up having and that company then goes bankrupt. Tracy stated that could still be the case of having LTT sites existing when a company goes bankrupt whether they are combined into a single permit or not. Jeff said the Cabinet is discussing a Water Treatment Trust for a company to go into for the bonds needed for LTT ponds. He said the Trust would be very expensive.

ACTION: A Position Paper (White Paper) needs to be written from ACEC-KY discussing the concept of combining LTT Ponds into a single permit and submitted to the Cabinet. David is to write the document.

- 7. Why Change Permit Numbers when Permits are Transferred?** David stated there is no need to change permit numbers when a permit is transferred from one permittee to another. This makes it hard to research a permit back to its beginning, harder for operators to keep records straight, increases costs with all the changes in signage, etc. It is not required by regulations. We could keep a similar numbering system but just add date at end i.e. 898-5023-17. The date at the end would signify this is a permit that is in the new system of keeping the original permit beyond all transfers. Jeff stated he understands but it would take a lot of internal changes and that this is the way it has always been done.

ACTION: David is to talk to Allen Luttrell about this.

- 8. Should Deep Mine Shadow Areas be “Permitted”?** Jeff stated the Cabinet is considering the concept of not calling the area that overlies the underground works as “Permitted Acreage”. KY is one of two states that do this and it skews the numbers when you compare permitted acres from state to state. He noted KCA is advancing legislation to do away with this.
- 9. Permits Moving slow from TAC to Issuance.** David stated that there seem to be some issues arise when a permit reaches its 11<sup>th</sup> hour of issuance. There are times that emails or mailing of face sheets do not get to the consultant that is listed in the application. SMIS lags behind a little when trying to follow the issuance of a permit. Jeff said he was not aware of any problems such as this and has asked to be sent specific instances.

David asked Jeff what is the best way to expedite a permit within the rules and regulations? Jeff said he understands occasionally a permit needs to get special attention under certain circumstances. He suggested he be called when such a permit is initially submitted.

- 10. Monthly Technical Training for Reviewers.** Jeff stated that Rob is working on monthly technical training for his reviewers. This will be done in-house and will diligently be done on a monthly basis. David stated that this ACEC-KY Committee would be glad to assist in any way they could.
- 11. Consultants Submitting Incomplete Applications.** Jeff stated that the Cabinet is receiving some permits that are very incomplete and not reviewable. He assumes the consultant is being asked by the operator to submit the application though it is not complete to start the review time clock or for other reasons he does not know. Jeff said he is considering having his engineers look at new applications quickly to see if the technical parts appear to be sufficient. If not, the applications will be returned immediately. David noted and confirmed later with the PE Board that this may not be an ethical practice for an engineer and could be reason for an investigation by the Board.

- 12. Submittal of Permit Renewal must meet 120 Day Deadline.** Jeff noted that there is becoming a greater issue of renewal permits being submitted after the 120 day deadline to expiration of a permit. He stated that the Cabinet is contacting the operators in advance of deadlines but there is still an issue. Some even come in after the permit has expired.
  
- 13. Operator Contact Changes.** Anna noted it the operator contact changes to send a letter to the Cabinet and they will update this information. The contact of record is the person the notices such as permit renewal are sent to. It is critical to keep this updated in the system.

The next meeting will be in April with the date to be determined relative to the next Quarterly MSHA meeting with EEC which has yet to be scheduled.

NOTE: If anyone has any topics that need to be discussed, please send them to anyone on the ACEC-KY Mining Subcommittee or to David Rasnick at [drasnick@summit-engr.com](mailto:drasnick@summit-engr.com).