



Division of Mining & Reclamation

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Director

2012 – 2013 Developments

- NPDES Issues Remain a Focal Point
- Spruce Mine 404 Veto Overturned
- Legislative Performance Audit
- Senate Bill 562 – Narrative WQS
 - Balanced Aquatic Community
 - Appropriate Trophic Levels of Fish
 - Macroinvertebrates Sufficient to Support Fish
- Senate Bill 615 – Permit as a Shield

2012 – 2013 Developments

- EPA Narrative Guidance Invalidated
 - CWA, WQS and States' Rights
 - Separation of CWA and SMCRA
 - Post Permit Reasonable Potential Analysis
- EQB – New Hill West Decision
- Buffalo Mountain NPDES Permit
- DMR Funding
 - OSM Grant Uncertainty/Cuts
 - State Match

2012 – 2013 Developments

- Industry Bankruptcies
 - Appalachian Fuels
 - Patriot
 - Trinity
 - Frazier Creek
- New Focus on Protection of Special Reclamation Fund
 - Other Options Under the CWA and SMCRA
 - Scrutiny of Transfers

2012 – 2013 Developments

- Impoundment Breakthrough Potential Orders
 - Results from OSM Oversight
 - Adequate Documentation of Investigation of Underground Mining
 - 24” Seams Presumed Mineable
 - Old Mine Maps Not Sufficiently Reliable
 - Reconnaissance of Area
 - Flowability Info Required Before Approval of Underground Mining Beneath Capped Impd.
 - Assess Effects of Addition of Slurry Cells on Breakthrough Potential

2012 – 2013 Developments

- Oklahoma Litigation – Permit Defects TDNs
- Draft Indiana Bat Summer Survey Guidelines
 - Proposed Acoustic Surveys Don't Distinguish Between Types of Bats
- Bond Release - PUMHA
 - Post Underground Mining Hydrologic Assessment

2012 – 2013 Developments

- 2013 DEP Mining-Related Legislation
 - Termination of Jurisdiction at Special Rec Sites
 - Informal Conference Fix
 - Mining NPDES Rule – Permit as a Shield

2012 – 2013 Developments

- Program Review – Lisa McClung
 - Organizational Structure
 - Processes
 - Metrics
- Increased Efficiency in Permitting
 - Less Tolerance for Poor Applications
 - Less Tolerance for Failure to Make Corrections
 - Don't Make Our People Force You to Do Your Job
 - Combine Mods with Reissuances
 - Measuring Output

2012 – 2013 Developments

- Issues Affecting NPDES Permitting Efficiency
 - Hardness Based Aluminum Standard
 - Order for Hardness Data
 - Beryllium Standard
 - Industry Selenium Bill
 - New Approach to Narrative Standard; SB 562
- EPA's NPDES Issues
 - Valley Fill/In-stream Outlets
 - Substantially Complete Outlets