

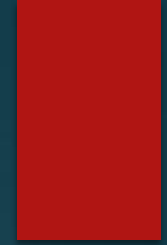


2026 WVDEP
Division of Mining
& Reclamation
Program Update



Our Mission

The Division of Mining and Reclamation's mission is to assure compliance with the West Virginia Surface Mining and Reclamation Act and other applicable state laws and rules by means of effective and high quality reclamation of mining sites, an efficient permitting program, and constructive communications between the public and regulated industry.



Compliance Bulletins

▼ Volume 13: 2026

Issue 1: Division of Mining and Reclamation Annual Dam Certificate Registration Fees

This compliance bulletin is intended to announce DEP's new process for collecting the annual dam certificate registration fee as required per 38-4-36.1.e of the Coal Related Dam Safety Rule.

WV DEP's Division of Water and Waste Management's (DWWM) will be sending invoices and collecting this annual registration fee for DMR's coal related dam certificates. Payment direction can be found on the invoice.

The fee will no longer need to be sent to the regional Division of Mining and Reclamation (DMR) office and will no longer be tied to the gatekeeping and processing of annual Emergency Warning Plan (EWP) application.

DMR's Article 3 Permitting Handbook will be updated to reflect this new process.

Permitting Handbook

Issue 2: ESS Survey

The WVDEP Division of Mining and Reclamation's Permitting Quality Assurance/Quality Control Committee (QA/QC) is surveying users of the Electronic Submission System (ESS) regarding mining and mining-related NPDES applications and submittals.

We encourage your participation, comments, and suggestions to help the DMR evaluate and improve ESS. All responses are confidential and anonymous.

Please complete the survey via the link below by March 13, 2026. Results will be summarized and posted online.

DMR ESS Survey

Issue 3: Program Amendments

The Office of Surface Mining Reclamation and Enforcement (OSMRE) approved several significant changes to the West Virginia regulatory program. These approvals, with some receiving qualified approval, include amendments to the West Virginia Coal Mining and Reclamation Act (WVSCMRA), the Code of West Virginia (W.Va. Code), and the West Virginia Code of State Rules (CSR).

Issue 4: New Electronic Submittal Options Now Available in ESS

The Division of Mining and Reclamation is pleased to announce the addition of three new electronic submittal types to the Electronic Submission System (eSS): Special Sampling Conditions (SSC), Groundwater Protection Plan Update (GPP), and Structure Removal Request (MR13R).

Program Amendments WV-120

- **Expanded Authority:** West Virginia Department of Environmental Protection (DEP), oversees coal mining and reclamation on federal lands involving federal coal leases within its borders.
- **Permitting Authority:** The state has primary responsibility to review and approve coal mining permits involving federally and privately owned coal.
- **Efficiency:** The agreement aims to reduce regulatory red tape by aligning federal and state processes under the Surface Mining Control and Reclamation Act (SMCRA).
- **Oversight:** While state authority is expanded, the U.S. Department of the Interior retains federal oversight responsibilities.

Program Amendments WV-116 and 124

- **Incidental Boundary Revisions (IBRs) (CSR 38-2-3.29.a):** Approved the proposed deletion of IBR language regarding the abatement of a violation with the understanding that the primary purpose of an IBR cannot be for coal removal, and intentional coal removal outside the permit area requires an operator to delete acreage from the permitted area and transfer it to the encroachment area.

OSMRE did **not approve** the proposed IBR revision at subparagraph 3.29.b.2 regarding applying the underground mining acreage waiver provisions to other mining operations, such as loadout operations, coal refuse disposal operations, and coal preparation operations.

- **IBR Classification (CSR 38-2-3.29.e):** Approved the new subsection concerning the criteria for "Significant" IBR classification with the understanding that WVDEP will require proof of publication of the advertisement for a significant IBR.
- **Bio-fuel Cropland (CSR 38-2-7.8):** Approved the bio-fuel cropland requirements with the understanding that they will be implemented as described in the findings, which included the requirement for a financial commitment to build a bio-fuel plant for sites requesting a mountaintop approximate original contour (AOC) variance.
- **Reclamation Plan Requirements (W.Va. Code 22-3-10(a)(3)(C)):** Approved changes to the reclamation plan requirements with the understanding that WVDEP retains the ability to ensure compliance of the master land use plan with WVSCMRA.

Program Amendments WV-116 and 124

Changes to Time and Distance Contemporaneous Reclamation Standards (CSR 38-2-14.15.b.1 through CSR 38-2-14.15.b.6.B.2):

- **CSR 38-2-14.15.b.1 (Single seam contour mining):** The thirty-five acre limit of disturbed and unreclaimed acreage was proposed to be struck. Grading and backfilling, which was required to follow mineral removal by a period not to exceed sixty days or a distance of 1,500 linear feet, was amended to include the condition: "[p]roviding the provisions of 14.15.d are satisfied".
- **CSR 38-2-14.15.b.2 (Single seam contour mining and augering or highwall mechanical mining):** The time limit for completing grading and backfilling is extended from 30 days to 180 days.
- **CSR 38-2-14.15.b.3 (Augering or highwall mechanical mining only):** The time limit for grading and backfilling to follow the mining is increased from 30 days to 60 days, and the distance limit from 1,000 linear feet to 1,500 linear feet.
- **CSR 38-2-14.15.b.4 (Area mining operations):** The former limit of 3,000 linear feet for the maximum open pit size and the requirement that backfilling and grading occur within 180 days of mineral removal is replaced with new language that distinguishes between single seam and multiple seam operations.
 - Single seam area operations retained the former time and distance limits.
 - Multiple seam operations would be limited to 3,000 feet for the initial pit, with subsequent cuts of the next underlying seam occurring within 180 days, and backfilling and grading required within 180 days of mineral removal from the lowest seam to be mined.
- **CSR 38-2-14.15.b.5, CSR 38-2-14.15.b.6.A, and CSR 38-2-14.15.b.6.B.2:** These sections concerning time and distance rules were updated to distinguish between single seam and multiple seam operations.

Program Amendments WV-116 and 124

- **CSR 38-2-14.15.b.6.B.1 (Exceptions to time and distance requirements):** The proposal struck certain enumerated exceptions that related to pre-stripping or benching operations using draglines, specifically removing the list of additional exceptions starting with "or as necessary to satisfy. .." and leaving exceptions simply at the discretion of the Secretary. The final sentence requiring all fill construction to occur during the pre-stripping or benching phase was also struck.

Changes related to Excess Spoil Disposal and Variance (CSR 38-2-14.15.d.1-3 and CSR 38-2-14.15.g)

- **CSR 38-2-14.15.d.1 (Excess Spoil Disposal):** The additional exceptions to the 180-day inactivity period for the construction of excess spoil disposal fills were struck, leaving such exceptions to the discretion of the Secretary.
- **CSR 38-2-14.15.d.3 (Excess Spoil Disposal):** This provision, which required operations with erosion protection zones to bond the proposed fill areas at the maximum per acre amount (\$5,000), was struck in its entirety. This allows the bond amount to be set between \$1,000 and \$5,000 per acre.
- **CSR 38-2-14.15.g (Variance):** Language was approved stating that when a permit variance is approved, the bond must remain at the maximum amount until the permittee requests termination of the variance and a recalculation of the bond.

The proposed changes to inactive status (CSR 38-2-14.11) include:

- **Market Conditions Showing:** The requirement for the permittee to make a detailed showing that "cessation is necessary because of temporary market conditions which are likely to change in the period for which the temporarily inactive status is sought" has been amended. The new requirement is that the permittee must only show that "cessation is necessary due to market conditions," removing references to temporary or changing market conditions.
- **Public Notice and Comment:** The provision at CSR 38-2-14.11.c, which provided for a notice and public comment period for inactive status requests, is deleted.

2026 Endangered Species Update

OSMRE Action Plan Status

Progress with Consultations under
20 BiOp



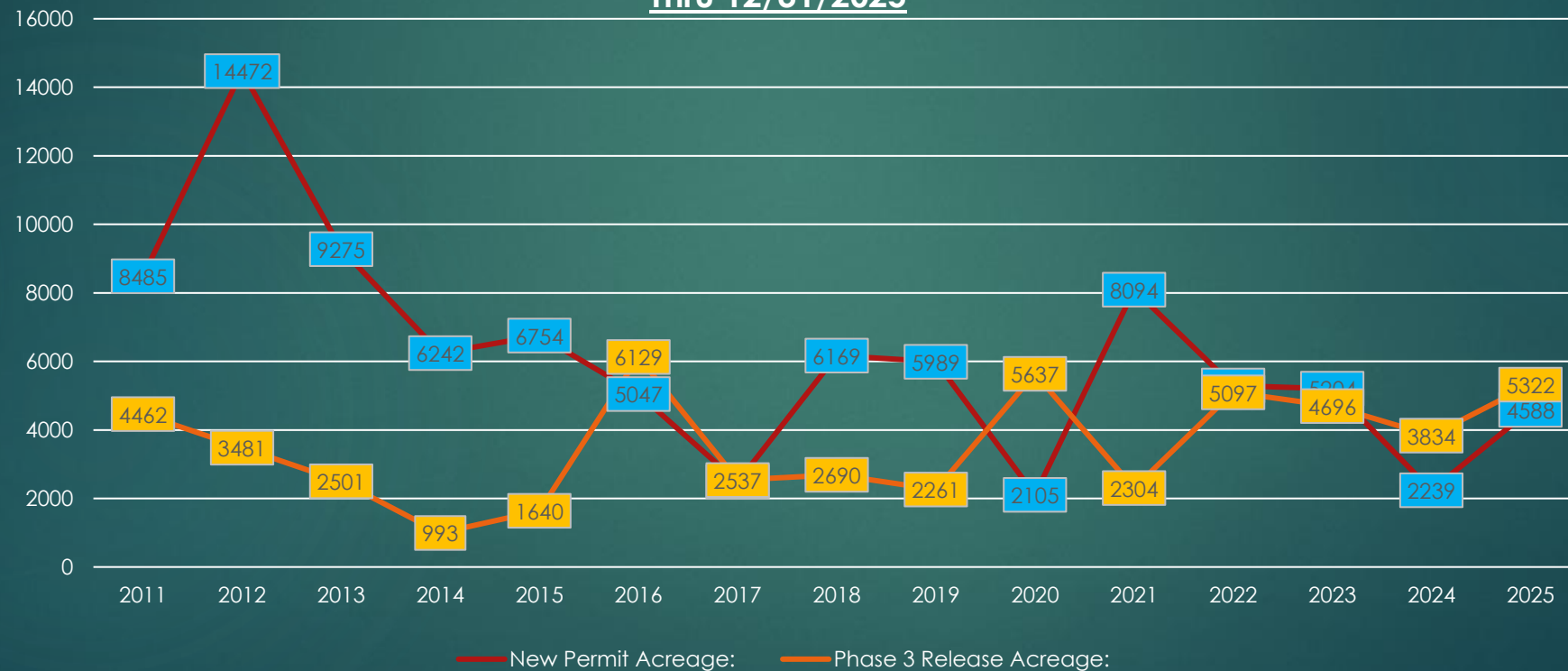
2025 WVDEP DMR-Permitting Article 3 Tracking

JANUARY 01, 2025 – DECEMBER 31, 2025



WVDEP DMR: Jurisdictional Acreage EOY 2025

New Permit Acreage Vs. Phase 3 Release Acreage
Thru 12/31/2025



2025 WVDEP
DMR- I&E
Bond Release
Update





DMR Inspections and Results 2025

TOTAL INSPECTIONS: 17,917

OVERALL INSPECTION FREQUENCY: 99.9%

CITIZEN COMPLAINT RESPONSE WITHIN 24 HOURS: 99.0%

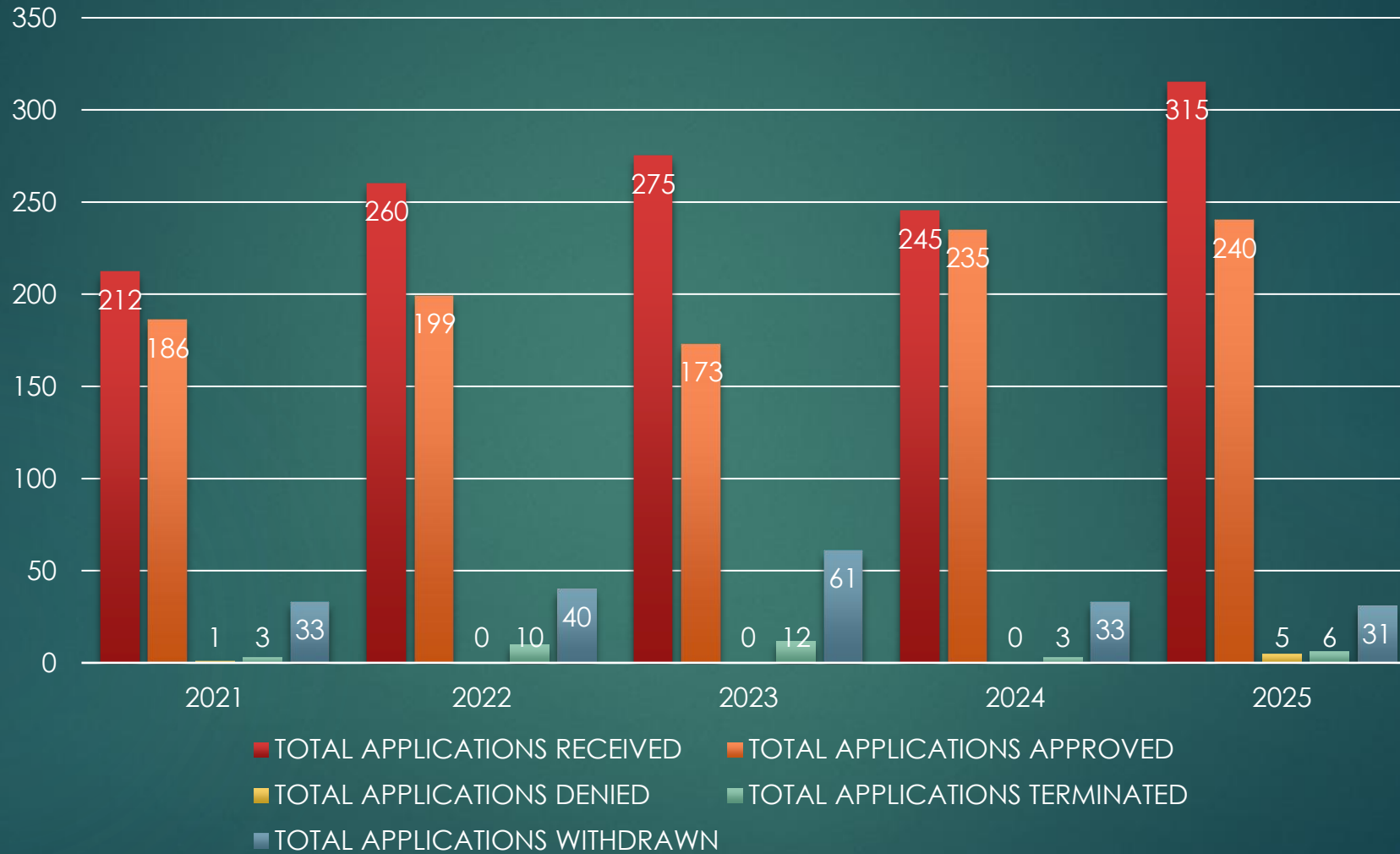
VIOLATIONS ISSUED: 1055

CESSATIONS ORDERS: 399

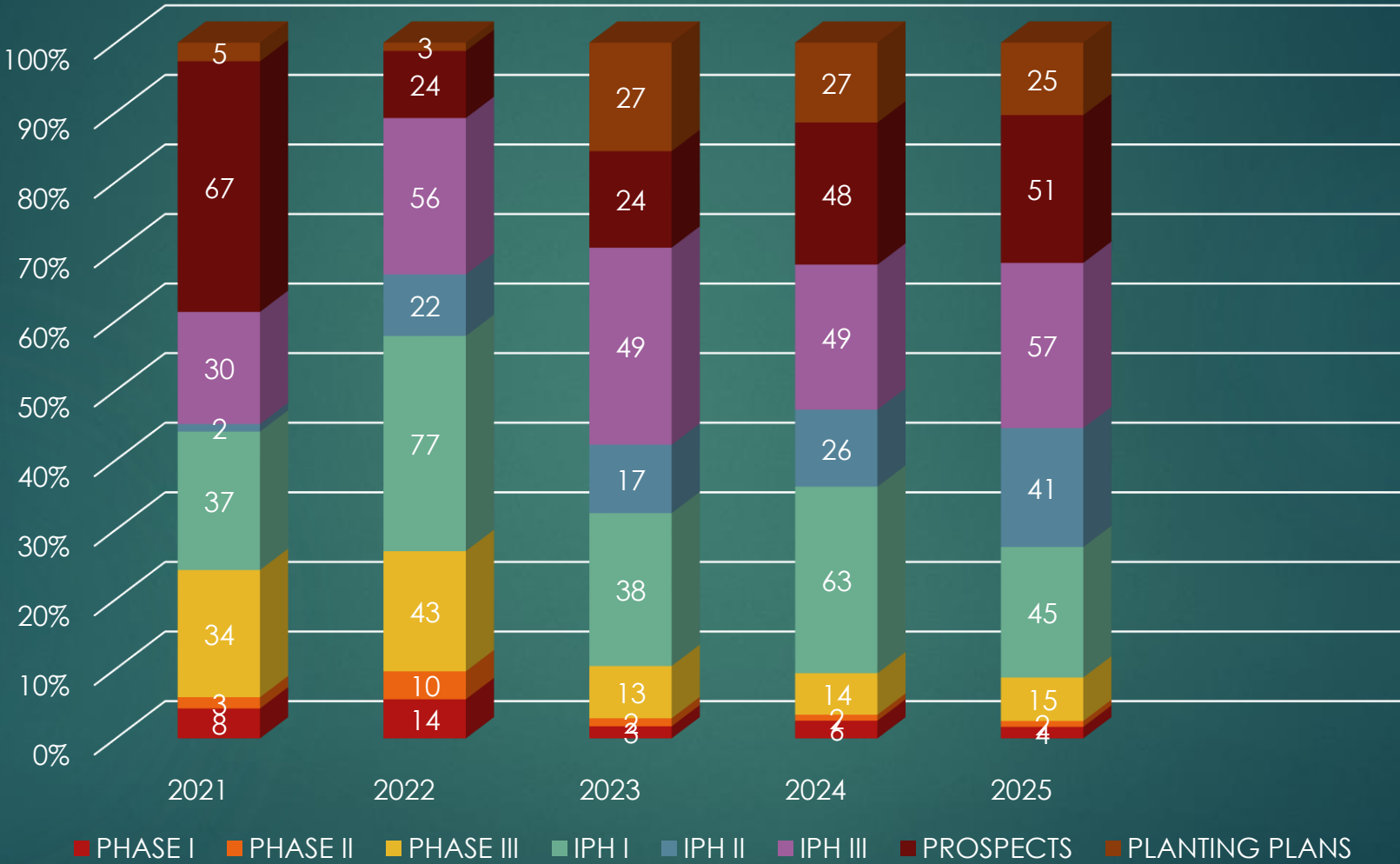
TOTAL ISSUED: 1,454

RATIO OF VIOLATIONS ISSUED PER INSPECTIONS: 2:25

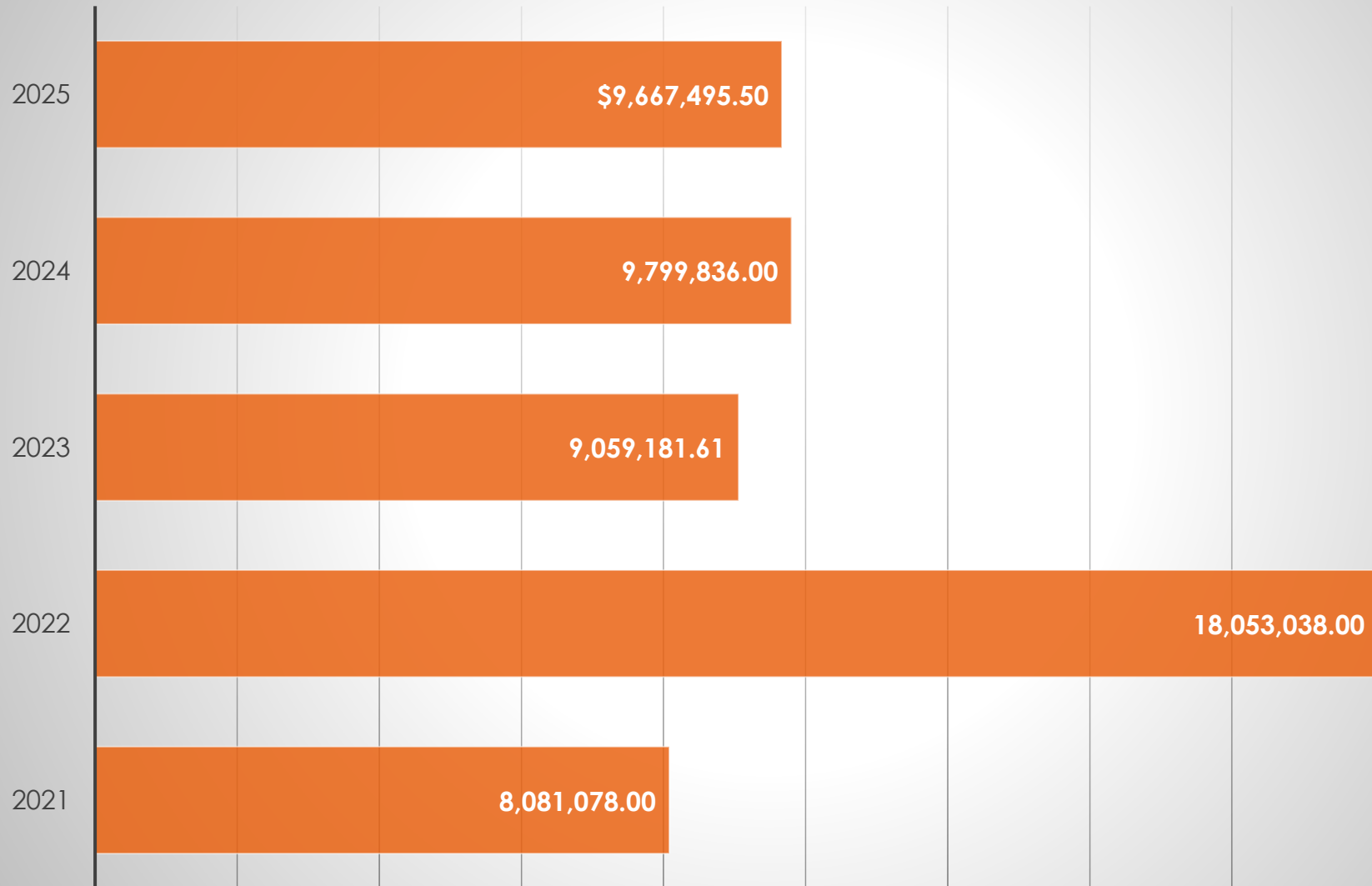
BOND RELEASE UNIT ACTIVITY 2021-2025



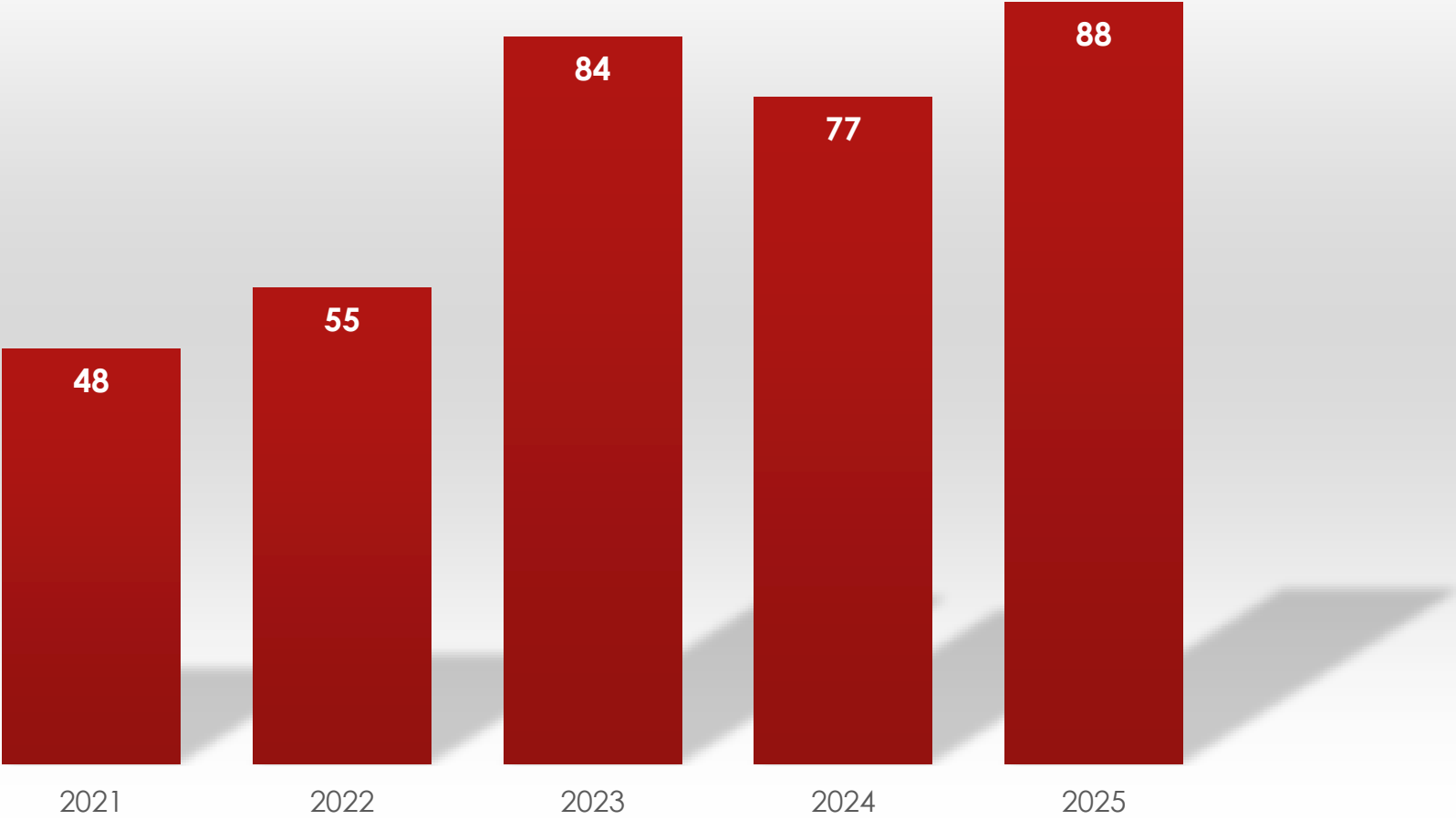
BOND RELEASE APPROVALS 2021-2025



TOTAL BOND RELEASE



PENDING APPLICATIONS (END OF YEAR) 2021-2025



BOND RELEASE UNIT ACTIVITY 2025

TOTAL APPLICATIONS RECEIVED	315
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TOTAL APPLICATIONS APPROVED	240
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TOTAL APPLICATIONS DENIED	5
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TOTAL APPLICATIONS TERMINATED	6
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TOTAL APPLICATIONS WITHDRAWN	31
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TOTAL ACRES RELEASED	11,652.09
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TOTAL BOND RELEASE:	\$9,667,495.50
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BOND RELEASE APPROVALS 2025

PHASE I	4
PHASE II	2
PHASE III	15
INCREMENTAL PHASE I	45
INCREMENTAL PHASE II	41
INCREMENTAL PHASE III	57
PROSPECTS	51
PLANTING PLANS	25
SPECIAL USE APPLICATIONS APPROVED WITHIN PHASE RELEASES- 69 (394.89 ACRES)	

TOTAL RELEASES 240

BOND RELEASE FINAL ACTIONS JANUARY 1, 2025- DECEMBER 31, 2025						
RELEASE TYPE	APPROVED	DENIED	TERMINATED	WITHDRAWN	BOND RELEASED	ACRES RELEASED
PHASE I	4	1	0	0	\$221,408.00	231.64
PHASE II	2	1	1	0	\$20,515.14	62.82
PHASE III	15	1	1	5	\$504,566.00	370.16
INCREMENTAL PHASE I	45	1	3	15	\$1,753,840.00	1,994.15
INCREMENTAL PHASE II	41	0	1	5	\$2,197,234.00	3,969.97
INCREMENTAL PHASE III	57	0	0	6	\$4,788,432.36	4,952.21
PROSPECTS	51	1	0	0	\$ 181,500.0	89.14
PLANTING PLANS	25	0	0	0	\$0.00	0.00
TOTAL FINAL ACTIONS	240	5	6	31	\$9,667,495.50	11,652.09



2025 WVDEP DMR-Permitting Article 3 Tracking

JANUARY 01, 2025 – MARCH 31, 2025



DMR Tracking Report

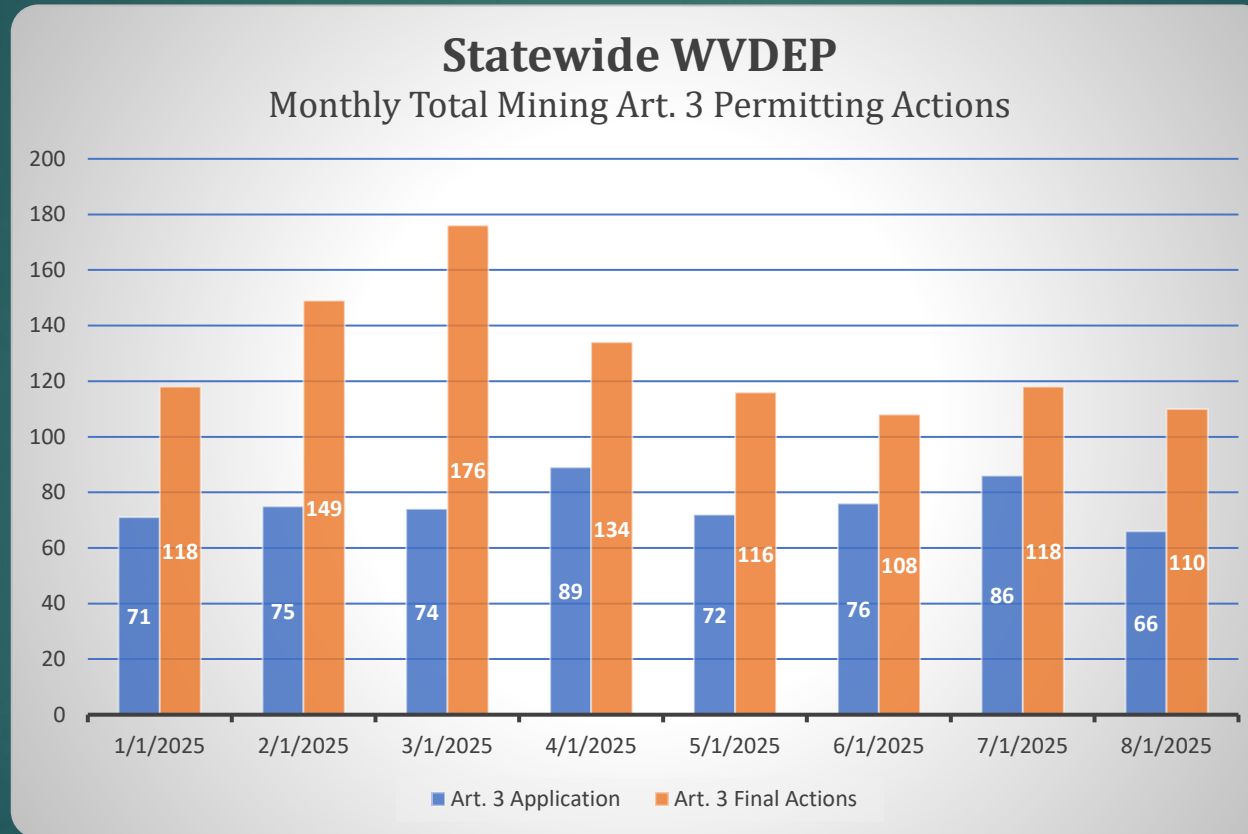
Information: Total Applications 01/01/2025 – 12/31/2025

<u>DMR Goals Reporting Summary YTD</u>			
<u>Application Type:</u>	<u>Submitted 2025:</u>	<u>Final Action 2025:</u>	<u>Net Change</u>
MR-19 - Operator Assignments	11	21	10
MR-19A - Permit Transfers	25	35	10
Permit Amendments	8	11	3
Dam Certificates	1	5	4
Emergency Warning Plans	75	89	14
Incidental Boundary Revisions	139	196	57
Increment Starts	28	34	6
Prospects	33	44	11
Permit Revisions	410	679	269
Permit Renewals	141	291	150
Surface Mine Applications (SMA)	8	21	13
	<u>879</u>	<u>1426</u>	<u>547</u>
		<u>YTD: 2025</u>	<u>162.23%</u>

*Final Action YTD is inclusive of Approved, Denied, Withdrawn, & Terminated within the specified period

Update Report Information Statewide Monthly Totals

*through 12/31/2025

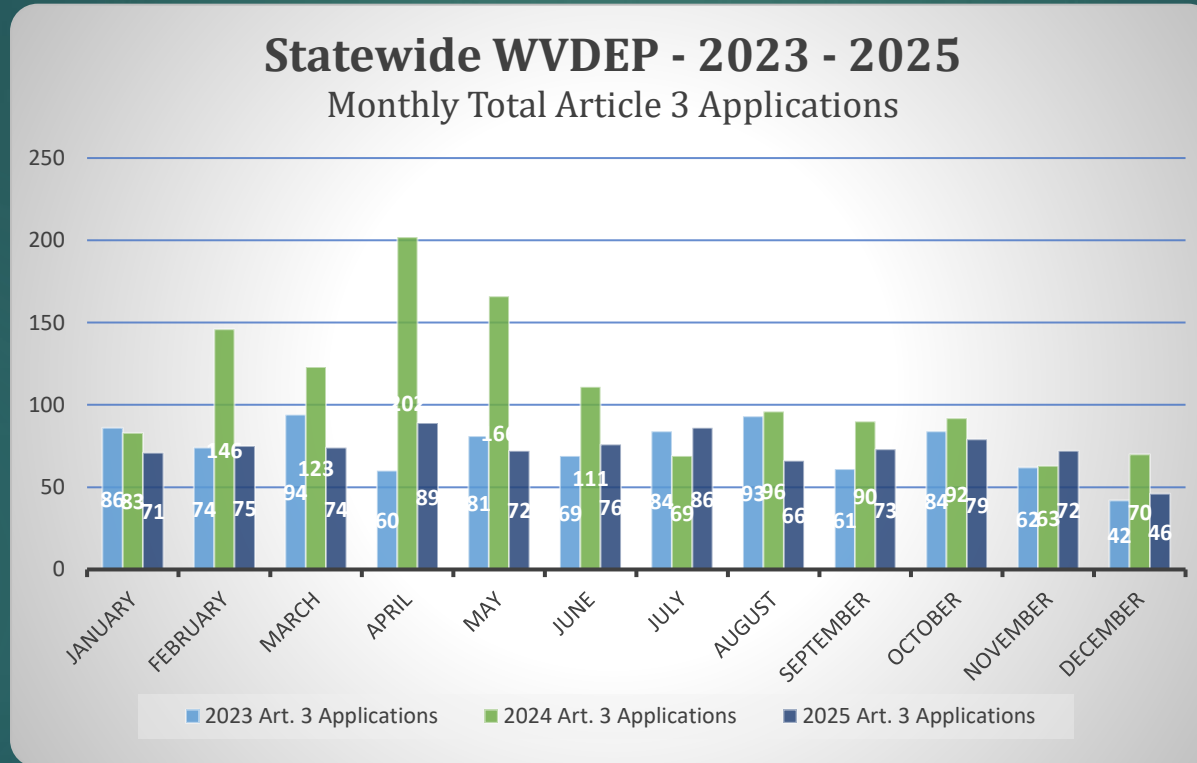


Application Type:
Surface Mine Applications (SMA)
Incidental Boundary Revisions
Permit Renewals
Permit Revisions
Permit Amendments
Prospects
MR-19A - Permit Transfers
MR-19 - Operator Assignments
Increment Starts
Dam Certificates
Emergency Warning Plans

WVDEP DMR : 2023 through 2025

Prior Years Comparison

-Monthly Total Submittals



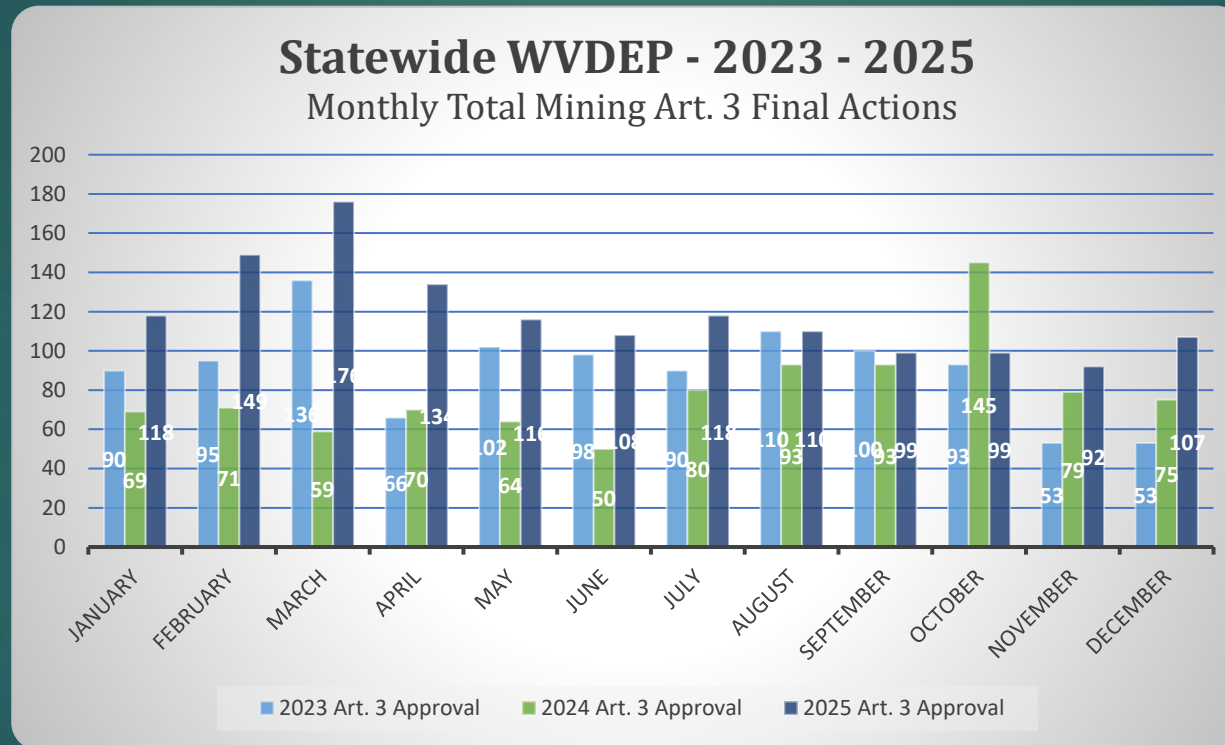
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Incidental Boundary Revisions
Permit Renewals
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Prospects
MR-19A - Permit Transfers
MR-19 - Operator Assignments
Increment Starts
Dam Certificates
Emergency Warning Plans

*through 12/31/2025

WVDEP DMR : 2023 through 2025

Prior Years Comparison

-Monthly Total Final Actions

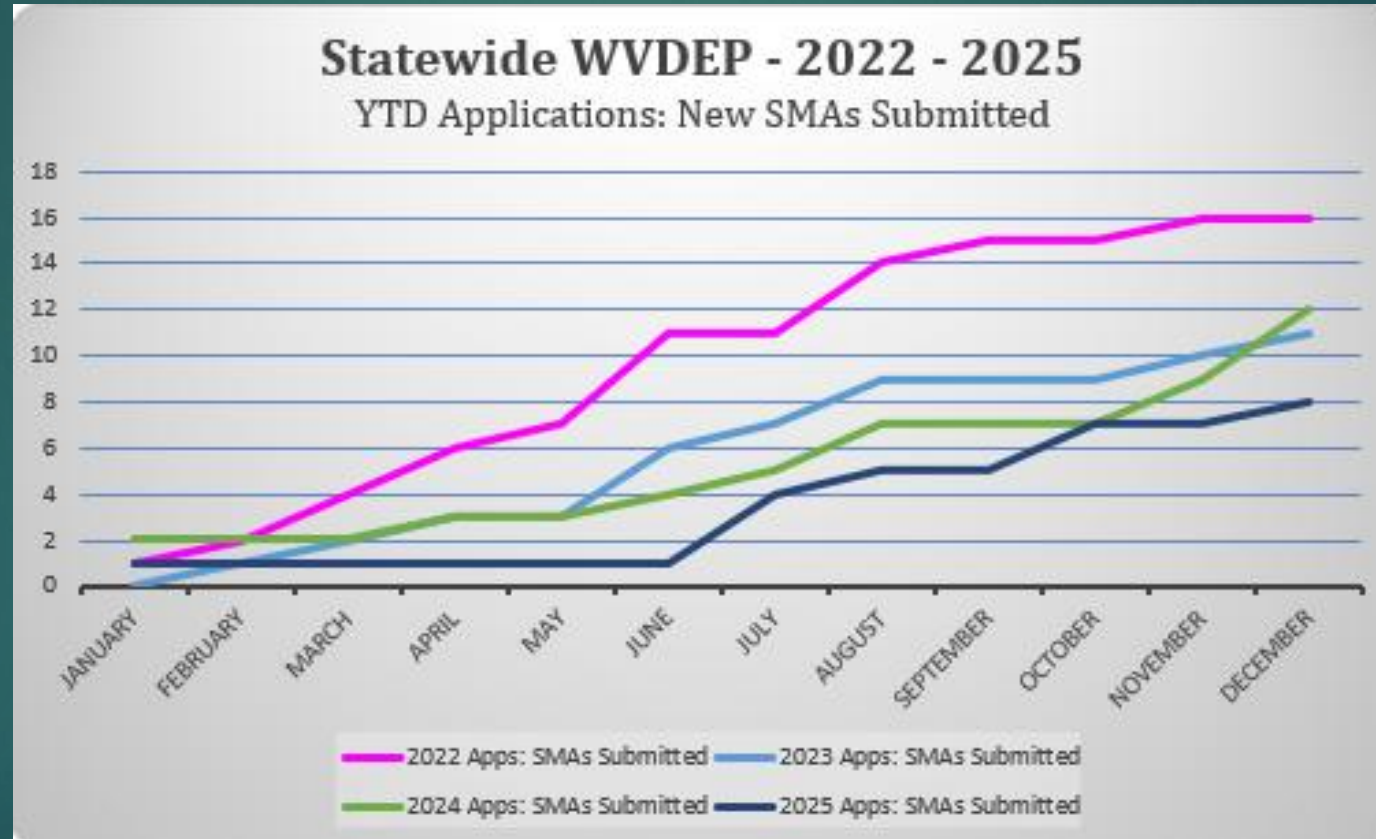


Application Type:
Surface Mine Applications (SMA)
Incidental Boundary Revisions
Permit Renewals
Permit Revisions
Permit Amendments
Prospects
MR-19A - Permit Transfers
MR-19 - Operator Assignments
Increment Starts
Dam Certificates
Emergency Warning Plans

*through 12/31/2025

WVDEP DMR : 2022 through 2025 Prior Years Comparison

-New SMAs Submitted



2026 WVDEP DMR-Permitting Article 3 Tracking

JANUARY 01, 2026 – MARCH 25, 2026



DMR Tracking Report

Information: Total Applications

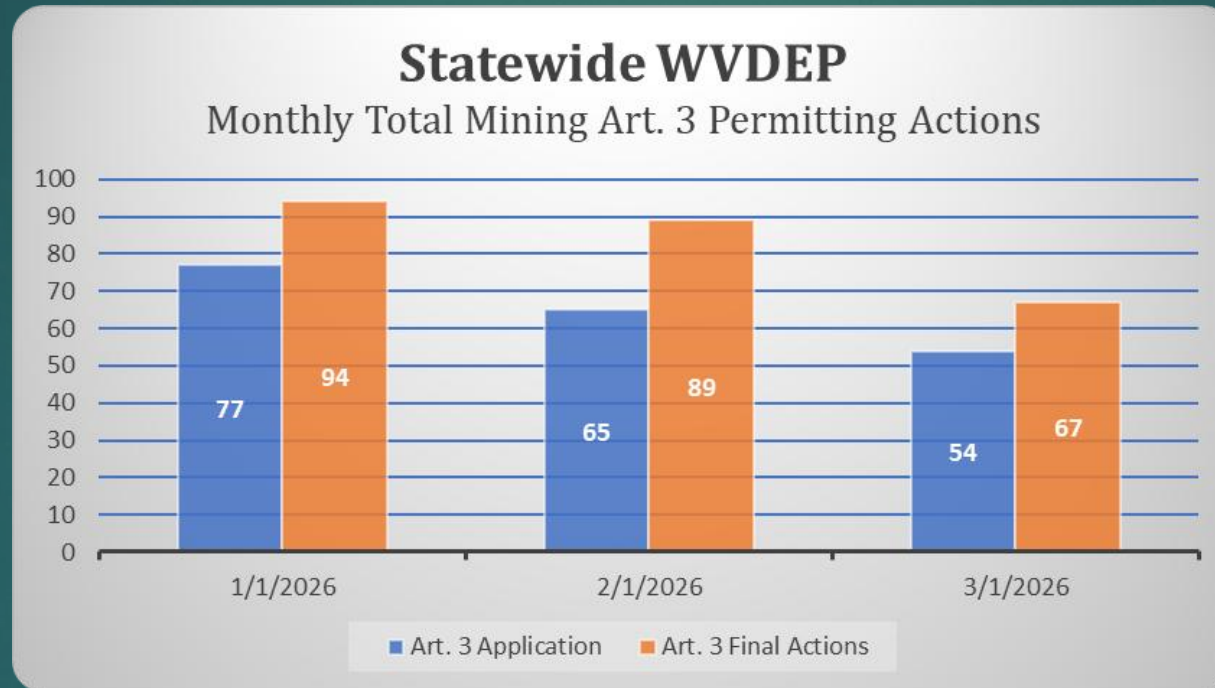
01/01/2026 – 03/25/2026

<u>DMR Goals Reporting Summary Q-1</u>			
<u>Application Type:</u>	<u>Submitted 2026:</u>	<u>Final Action 2026:</u>	<u>Net Change</u>
MR-19 - Operator Assignments	1	1	0
MR-19A - Permit Transfers	0	3	3
Permit Amendments	4	3	-1
Dam Certificates	0	0	0
Emergency Warning Plans	14	13	-1
Incidental Boundary Revisions	28	44	16
Increment Starts	10	9	-1
Prospects	10	9	-1
Permit Revisions	85	121	36
Permit Renewals	41	44	3
Surface Mine Applications (SMA)	3	3	0
	<u>196</u>	<u>250</u>	<u>54</u>
		<u>Q1 - 2026:</u>	<u>127.55%</u>

*Final Action YTD is inclusive of Approved, Denied, Withdrawn, & Terminated within the specified period

Update Report Information Statewide Monthly Totals

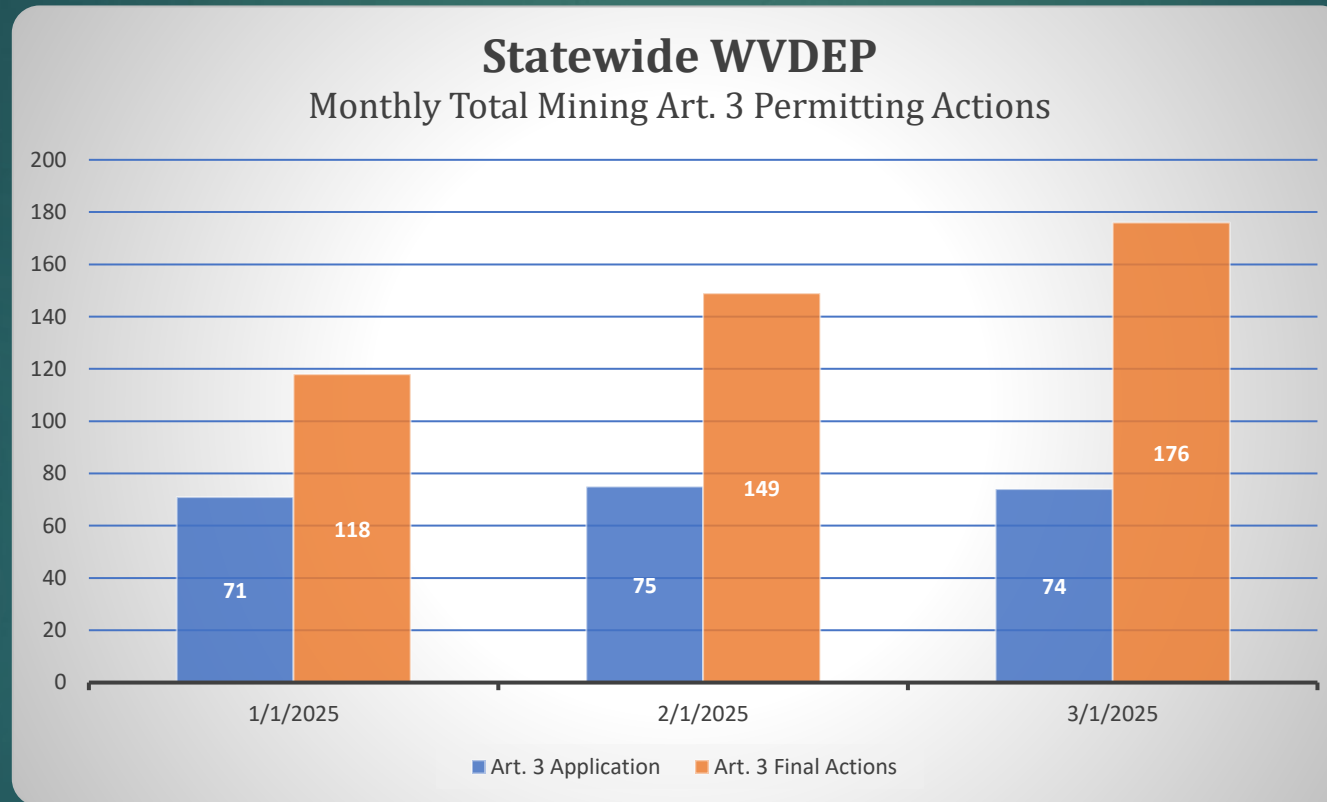
*through 03/25/2026



Application Type:
Surface Mine Applications (SMA)
Incidental Boundary Revisions
Permit Renewals
Permit Revisions
Permit Amendments
Prospects
MR-19A - Permit Transfers
MR-19 - Operator Assignments
Increment Starts
Dam Certificates
Emergency Warning Plans

Update Report Information Statewide Monthly Totals

*through 03/31/2025



Application Type:
Surface Mine Applications (SMA)
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2025 WVDEP DMR-Permitting NPDES Tracking

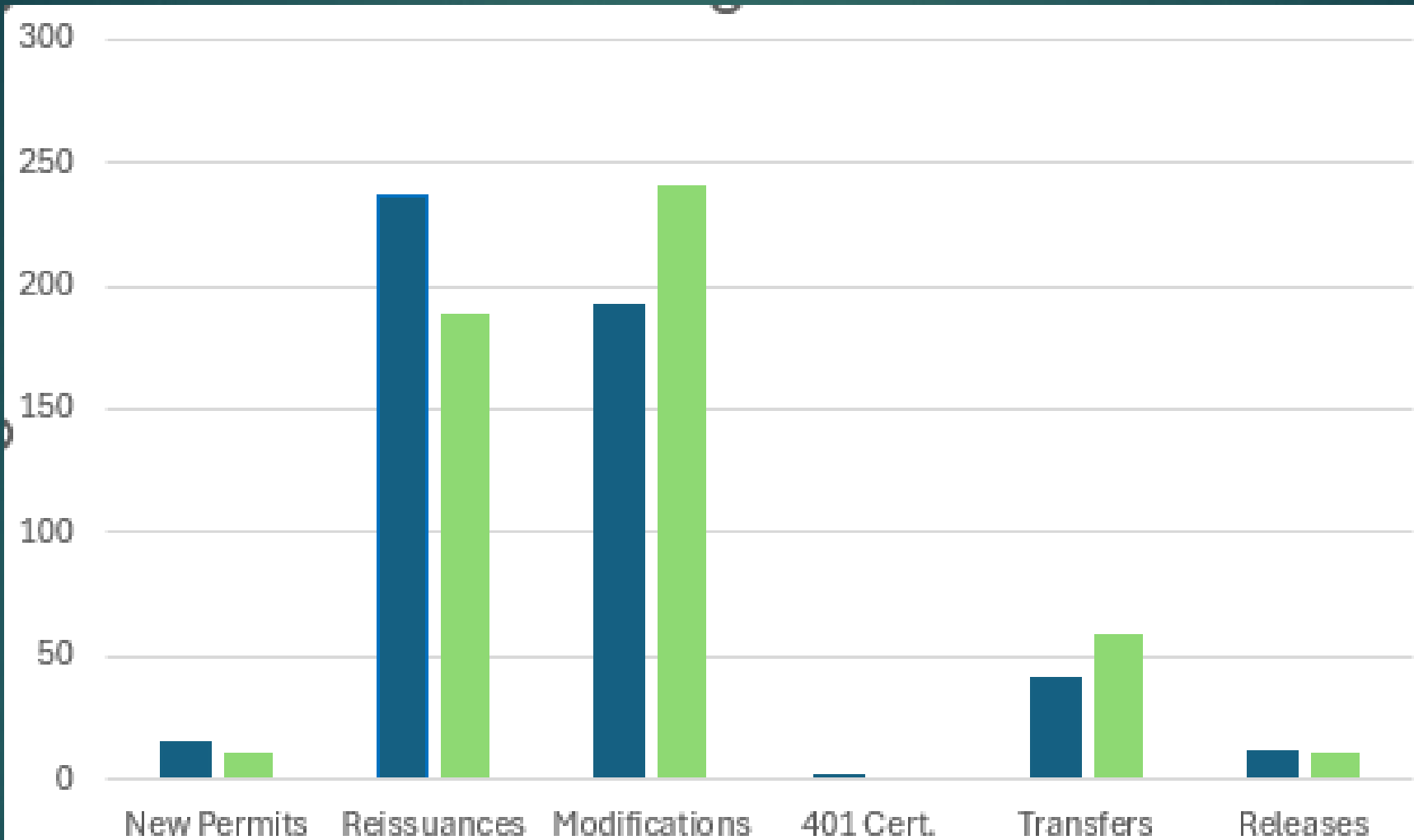
JANUARY 01, 2025 – DECEMBER 31, 2025



NPDES Applications vs Issued 2025

Application Type	Received 2025	Issued 2025
New Permits	15	11
Reissuances	237	189
Modifications	192	241
401 Cert.	1	0
Transfers	41	59
Releases	11	11
Totals	497	511

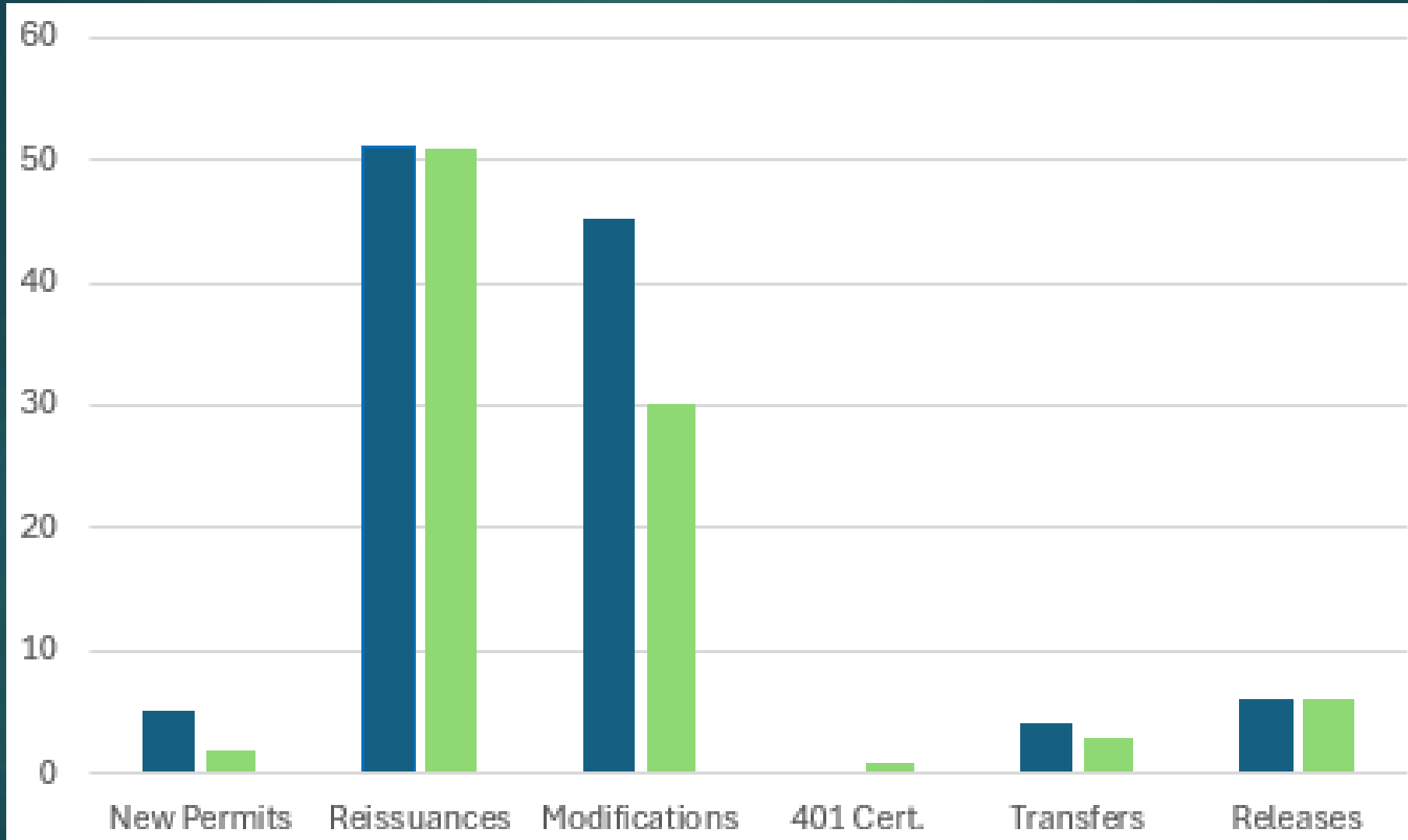
NPDES Applications Received vs Issued 2025



NPDES Applications vs Issued 1st Quarter 2026

Application Type	Received	Issued
New Permits	5	2
Reissuances	51	51
Modifications	45	30
401 Cert.	0	1
Transfers	4	3
Releases	6	6
Totals	111	93

NPDES Applications Recieved vs Issued 1st Qtr 2026



2025 WVDEP DMR-Permitting UIC Update



UIC Applications vs Issued 2025

Application Type	Received 2025	Issued 2025
New Permits	4	2
Reissuances	6	3
Modifications	3	5
Transfers	0	0
Closures	0	5
Totals	13	15

UIC Applications vs Issued 1st Qtr 2026

Application Type	Received 2026	Issued 2026
New Permits	0	2
Reissuances	0	1
Modifications	0	1
Transfers	0	0
Closures	0	0
Totals	0	4

UIC Electronic Applications

New UIC Permit Applications for
General Permits and Rule
Authorization Permits

UIC Transfer Permit Applications
for General Permits and Rule
Authorization Permits

UIC Reissuance Permit
Applications for General Permits
and Rule Authorization Permits

UIC Reporting and Notification
Requirements

UIC Modification Permit
Applications for General Permits
and Rule Authorization Permits



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