



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

Division of Mineral Resources Management

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HB443 Workgroup Charter

AMD/Hydro Workgroup

Mission: Recommend adequate inspection procedures that will ensure that mining and reclamation operations are conducted in a manner that maintains adequate performance security at all times. Recommend adequate inspection procedures to minimize the potential for long-term pollutorial discharges into the surface and ground waters of the state; in the event such discharges occur, recommend the appropriate response to correct, abate or treat such discharges for as long as they are anticipated to exist.

Workgroup Sponsor:

DMRM Steering Committee: Chief – John Husted;
Deputy Chief – Lanny Erdos;
Coal Program Administrator – Dave Clark

BACKGROUND: Subsequent to April 6th, 2007, all new mining operations are operating under performance security provisions of ORC 1513. DMRM will determine the estimated cost of reclamation to the state based on the operator's mining and reclamation plan. Enforcement of the mining plan will be essential to ensure that the cost estimate is current and valid.

FOCUS: This workgroup will focus on preliminary implementation procedures and methodologies as outlined in the list of Tasks. Final procedures will be developed in cooperation with external partners as well as the Reclamation Forfeiture Fund Advisory Board (RFFAB) through rule making.

AUTHORITY OF WORKGROUP: Solicit procedures and information from other states that have alternative financial security (AFS), alternative bonding systems (ABS) and full cost (conventional) bonding programs approved by the Office of Surface Mining. Evaluate such procedures and consider alternatives, to guide the development of implementation procedures. Prepare preliminary and final recommendations regarding rules, procedures, policies, forms, data management needs and system improvements, etc. as needed to address the assigned tasks. Upon further evaluation of the existing tasks, recommend additional tasks to the Steering Committee if necessary to accomplish the workgroup mission.

Task one: Recommend preliminary and final procedures and methodologies for implementing the Acid Base Accounting (ABA) provisions of ORC 1513. Recommend measures, including statutory revisions if necessary, to address the impact of applying the numeric criteria established in ORC 1513.075 consistently and literally to coal mining operations where meeting the criteria may be difficult or unattainable.

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- Task two: Recommend preliminary and final procedures and methodologies to address the provisions of ORC 1513.18 (D)(4) which prohibits expenditures from the reclamation forfeiture fund for mine drainage that requires extended water treatment after reclamation is completed under the terms of the permit at sites that do not convert to full cost performance security or do not provide alternative financial security as required under ORC 1513.16 (F)(8).
- Task three: Recommend preliminary and final procedures and methodologies for establishing criteria for when Alternative Financial Security (AFS) must be used for long term treatment of acid mine drainage (AMD) and for the operation and maintenance of impacted water supplies. Recommend preliminary and final procedures and methodologies for defining the footprint of the area needed to treat long-term pollutional discharges (*Note: work in conjunction with the Coal Permitting/Regulatory/Inspection workgroup on recommending procedures and methodologies for defining the footprint of an area requiring an AFS*). Recommend language for a Standard Operating Procedure (SOP) to address the obligation of a permittee to treat such discharges as have been determined to pose long-term pollutional discharges wherein a permittee is required to provide an Alternate Financial Security in accordance with the provisions of ORC 1513.
- Task four: Recommend preliminary and final procedures and methodologies for development of a training manual and for providing training to inspection/regulatory staff and industry personnel on standardized techniques and protocol for collection and handling of water quality samples, general procedures for collecting representative ground water samples and measurements and surface water flows, and quality assurance and control.

COMPLETION DEADLINE: Task one – March 1, 2010
Task two – March 1, 2010
Task three – May 1, 2010
Task four – April 1, 2010

MEETING FREQUENCY: As set by workgroup to meet deadline

WORKGROUP MEMBERSHIP: DMRM staff (cross section):**
Coal Industry
OSM
Other interested or appropriate party

** DMRM staff assigned to this workgroup:

Cheryl Socotch, Mike Dillman, Kyle Baldwin and Kyle Tharp. Sue Grant will participate as a representative of the steering committee.

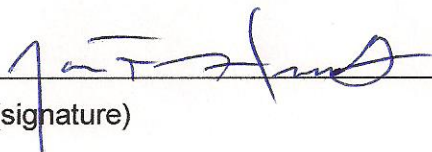
WORKGROUP LEADER: Cheryl Socotch

John F. Husted

Chief

(signature)

Date



1-25-10