



Ohio Department of Natural Resources

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September 14, 2009

Dear Task Force Member:

Subject: Remining Task Force Charter

Mission:

To recommend rules, policies, and procedures to the DMRM administration that will fully implement existing Federal Rules which will update and enhance Ohio's remining program. In addition, the task force will review DMRM's internal processes and external processes of other agencies involved in the remining permitting process and make recommendations for improvement. Other incentives and training programs to enhance remining and reclamation of abandoned mined lands will be examined and recommendations made to the appropriate entity involved.

Task Force Sponsor:

DMRM Steering Committee: Chief -- John Husted
Deputy Chief -- Lanny Erdos
Deputy Chief -- Terry Vanofferen

Background:

Ohio's remining program began in 1995 with the issuance of modified effluent limitations to Sands Hill Coal Co. on permit D-1108. These modified effluent changes were enabled by changes enacted by Congress to the Clean Water Act in 1987, known as the "Rahall amendments". Since that time there have been several changes to the Federal and State regulations that have brought about numerous other remining incentives available to the coal mining industry. In March of 2000 U.S. EPA issued new guidelines applying to coal remining operations which became effective in 2006. These rules were developed in response to a lack of participation by mine operators to the amendments to the



Clean Water Act adopted by Congress in 1987. For example, in Ohio only eight remining modified effluent NPDES permits have been issued to coal operators since 1995. In 2000, EPA recognized that one of the most successful means for improvement of abandoned mine lands is for coal mining companies to remine abandoned areas and extract the coal reserves that remain. Remining operations play an important role in watershed restoration in our coal mining districts of Ohio. Therefore, the agency promulgated CFR 40 part 434, the "coal remining subpart".

In addition, the Office of Surface mining and Enforcement promulgated the AML Enhancement rule in 2003. The Energy Policy Act of 1992 made regulatory changes that provided incentives for remining. The Division is in the process of updating its rules and policies in response to those regulatory changes that have occurred since 2003. A remining survey/questionnaire was circulated to identify remining stakeholders that will be a valuable tool for input on Ohio's remining program. This survey closed on June 30, 2009.

Definition of Remining:

Remining is a secondary recovery of coal reserves by an active mine operator that will re-affect and reclaim previously unreclaimed mined lands in the permitted area or outside the permit limits that results in improvements to water quality, land use, and elimination of hazards to the public's health and safety.

Focus:

This task force will focus on fully implementing procedures for rules currently in effect and future rules to be filed by the Division. The task force will also make recommendations for improvement in the overall operation of the remining program within the Division and the other entities participating in the program either directly or indirectly through a review process. Other incentives and ideas suggested in the remining survey that have merit should be explored further and rated for their potential to be implemented and have a positive affect on the program

Authority of Task Force:

Prepare preliminary and final recommendations regarding rules, procedures, policies, forms, and system improvements as needed to achieve the mission of

the task force. Upon further evaluation of the existing tasks, recommend additional tasks to the Steering Committee if necessary to accomplish the workgroup mission. If a consensus cannot be reached by the group, majority and minority opinions will be included with all recommendations from the task force. A majority will be defined by a 2/3 majority of the group.

Task one:

Review the results of the remining survey including the comments provided, and make a short list of actions or recommendations that the task force will want to consider for final recommendations

Task two:

Recommend to the Steering Committee DMRM procedures/policies or actions by other agencies that will; 1) streamline the review of applications that propose to remine , 2) maximize the opportunities and incentives available to reclaim abandoned mined land sites at or near remining operations, and 3) remove disincentives to remining.

Task three:

Form subcommittees to draft procedures to fully implement updated remining rules being filed by the DMRM

Task four:

Form a sub committee to review processes and procedures being used by other agencies at remining application areas, and make recommendations to the task force for adoption of a recommendation.

Task five:

Review comments from Steering committee and make final recommendations to the Division and other entities

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Completion Dates: Task One -- September 30, 2009
Task Two -- November 30, 2009
Task Three -- December 30, 2009
Task Four -- November 30, 2009
Task Five -- January 31, 2010


Meeting Frequency: as set by the Task Force

Task Force Membership: Representatives from the Coal Industry, Mining Consultants, Agencies, OSMRE, Watershed Groups, and DMRM staff

DMRM staff assigned: Lanny Erdos, Mike Dillman, Cheryl Socotch, Scott Stiteler, Brad Burwell, Mitch Farley and Robert Baker,

Task Force Leaders: Lanny Erdos and Robert Baker

Sincerely,



John F. Husted, Chief, DMRM

9.14.09

Date