

Looking at the Coal Mine Permit

Before you leave home ...

Get the permit number. You can find it on any sign leading up to the mine site or in legal advertisements in the newspaper. It looks like a seven-digit phone number.

At the office ...

Make sure to get the most recent permit and amendments, the correspondence file, and the enforcement file.

Structure of the Permit

It looks overwhelming. But the structure is actually the same for all surface mining permits. The company is filling out the state's technical information form, and the whole permit is the pieces of paper attached to support what they say on that technical form. And the pieces are all numbered.

Summary Sheet

There should be a sheet stapled to the inside of the permit folder that says Surface Coal Mining and Reclamation Operations Permit. It is a sort of summary of the permit, and a very good cheat sheet. It tells you how much land is permitted, the post-mining land uses, any waivers the company has, the bonds, and any current violations. You will not have this sheet for a pending permit, only one that is already issued.

3 to 6. Identification, Site Location.

7. Permit Information. Acreage for ponds, waste areas, surface mining, etc.

8. Bonding Information.

9. Right of Entry. This part lists all surface and mineral owners. Their deeds should be attached.

10. Notice of Right to Mine. What newspaper they put their ad in. For some reason, many coal companies put the ad in the wrong paper. It should be in the paper with the highest circulation in the county the mine is in (if its in two counties, then the notice should be in both papers). The ad should be attached.

11. Areas Designated Unsuitable for Mining and Requests for Waivers. These waivers include mining closer to streams, roads, and houses than the law allows, as well as plans for using alternate topsoil material and in Kentucky possibly blasting waivers to use more than 40,000 lbs of explosive for one or more blast.

12. General Description of Mining and Reclamation Operations. Number of ponds, waste areas, impoundments, etc. There should be a description attached of how exactly they will mine the property.

13. and 14. Cultural or Historic Resources and Fish and Wildlife Information. Most permits include letters from the Kentucky Heritage Council and Kentucky Fish and Wildlife detailing whether any historical/archeological sites or endangered species will be impacted by the mine. The Division of Water and U.S. Fish and Wildlife should also review the permit and include a letter with their approval or concerns. If any of these letters state concerns, see if they have been addressed?

15. Geological Information. There should also be some geological maps that break down the results of the core drill samples. We can look at these and where they are located on the Environmental Resource Information Map to determine the elevation and direction of the coal seam (which tells us what direction the water will be flowing – it follows the coal seam).

16. Ground Water. This lists all wells and springs and groundwater monitoring sites. These are also on the MRP map. Do they list your well if you are a nearby landowner?

17. Surface Water Information. Anyone or anything that depends on surface water should be listed here, as well as surface water monitoring programs. We can find the surface monitoring information on the MRP map. On the description, see whether or not it exaggerates the effects of previous mining.

18. Determination of Probable Hydraulic Consequences. This should include what the company will do to protect the groundwater and surface water. There should be a discussion of whether or not there is a chance of acid mine drainage from the mine.

19. Alternate Water Supply Information. Here the company writes about what damage is possible to the water. But they almost always say none is possible, so this is short. There should be a discussion of what happens if there are floods.

20. Prime Farmland Investigation. This does not usually apply to eastern Kentucky.

21. and 22. Land Use Information and Re-vegetation Information. This is a discussion of the soil and what it is good for. It is also where, if the company wants a variance for the post mining land use (like pastureland instead of forests or flat instead of a mountain), they attach letters from the surface owners supporting the variances. There should also be a discussion in this section of the company's reclamation plan. What are they going to plant on the land?

23. Soil Resource Information. If the mine wants to reclaim with "alternate topsoil materials," or "overburden," they talk about it here. This means they won't be segregating real topsoil and putting it back. There will be a lot of pages of alternate topsoil analysis. How much clay? Silt? Sand? The more clay and silt, the harder it will be. Can anything grow in it?

24. Surface Blasting Plan. There should be a blasting notification plan, a blasting plan, a copy of the blasting ad in the paper, a copy of the pre-blast survey, and what kind of limits they will be using.



25. Backfill and Grading Plan. Attached should be an actual sequence of mining- what happens first, second, and third. If an Approximate Original Contour (AOC) Variance is requested, meaning they want to keep the land flat instead of rebuilding it as a mountain, there should be a reason.

26. Disposal of Excess Spoil. This is where the company talks about its hollow fills. There will be a chart measuring the volume weighted potential acidity and neutralization for each of the soil samples. The weighted potential neutralization minus 5 should be more than the potential acidity. If it isn't, they cannot use that soil in a hollow fill unless they encapsulate it and stratify it (which is much more expensive than dumping it into the hollow fill). There should also be a booklet of calculations for what would happen in storm events for diversion ditches, hollow fills and sediment ponds. These are usually incomprehensible.

Hollow Fill Cross Sections

There should also be maps with cross-sections of every hollow fill. On the cross section, there is a line of instability that means above and beyond it, the hollow fill isn't too stable – that is the part that would break off. Look for where the drains are.

Basin/Silt Pond Maps

Again, look for the drains.

Drainage Maps

The drainage maps are pretty useful. They show how the company is expecting the water to flow around the site. If you know the site, you can assess whether or not this is accurate. If you don't, you can look at the height of the coal seam at various places and the elevation of the site at various places.

27. Coal Mine Waste. If there is going to be a sludge pond or a coal waste treatment facility (tipple, slurry cells, etc) it will be described here. If there is one, all of the drawings and plans should be attached here.

28. Disposal of Waste other than Coal, Soil, and Rock. How are they going to get rid of the trees on the site?

29. Toxic Materials Handling Plan. If there is acidic material (look at the charts in #26) or any other toxins, there needs to be a disposal plan. Is it adequate?

30. Surface and Groundwater Monitoring. Where is the monitoring going to be? What are they testing for?

31. Sediment ponds and Impoundments. All dams and ponds should be listed here.

MAPS

The most useful maps are the Mine Reclamation Plan Map (MRP) and the Environmental Resources Information (ERI) Map. Usually, they are in the back of the permit. After you look at the summary page, pull them out.

MRP Map: This shows everything the company intends to do.



ERI Map: This map shows the permit in relation to the permits and geography around it. It also show the geological testing core holes.

CORRESPONDENCE AND ENFORCEMENT FOLDERS

Inside these folders is:

- A copy of all state letters to and from the company
- All of the inspection reports, including any violations, when the violations were corrected, and the fine assessed for those violations.
- Record of complaints about the permit, including phoned-in complaints.
- The current status of any amendments or revisions. Is the state concerned about anything? Is there a hold-up over anything?

There may be items in the files you won't see – confidential complaints, for example. DSMRE personnel will remove these before giving you the file.

Looking at the Permits: Quick Reference

If you want to find out about:

- 1. Right if Entry.** Look at Section 9. Who is listed as surface and mineral owners? Look at the Mining Reclamation Plan Map- it has land owner boundaries on it. Check if they are correct. Look also at Section 10 and the ad that ran in the paper. Does it accurately list the landowners?
- 2. Water Quality.** Look at the groundwater and surface water monitoring points on the MRP and ERI maps. Is there one below each hollowfill? Each large pond? Also look at the US Fish and Wildlife' comments in Section 14, and Sections 16, 17, and 19 for the company's assessment of the mine's impact. Also, look for any waivers that impact water quality on the summary sheet.
- 3. Problems on the Site/Other People Who Have Complained.** Look in the Correspondence file for any complaints or objection to the permit when it was issued.
- 4. Reclamation.** Look on the summary sheet for an alternate topsoil and approximate original contour (AOC) waivers. Look at Sections 21-23.

