



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Dave Rosenbaum, Commissioner

Date: May 2, 1994

Subject: Contemporaneous Reclamation Time Limits for
Area Mining and Mountaintop Removal Mining

RAM # 113

For mountaintop removal and area mining, administrative regulation 405 KAR 16:020 (contemporaneous reclamation) requires that backfilling and grading shall be completed on a disturbed area within 180 days of coal removal from that area. The purpose of this RAM is to emphasize that this requirement applies to each disturbed area, however small, and regardless of the number of coal seams to be mined. The 180-day clock starts at a specific location as soon as any coal is removed from the ground at that location, even if other seams at that same location remain to be mined. (From the standpoint of field inspection, the clock starts with the first coal removal at any point in the pit or extraction area, not after all the coal has been removed from that entire pit.) If a permittee believes he cannot mine within this time limit, he should apply for less restrictive time and distance criteria in the permit.

Approval of alternate time and distance criteria can be obtained through the Division of Permits if the permit application includes a description of the proposed operations and a detailed written analysis that adequately demonstrates that the alternate criteria are essential to the proposed operations, and the Department determines that use of the alternate criteria will not likely cause adverse environmental impacts. Probably all multi-seam mountaintop removal and multi-seam area mines will need such approval. As an example of operations that need alternate time and distance criteria, multi-seam mountaintop removal frequently requires a contour cut to be taken around all or part of the mountaintop in order to provide for adequate working space and spoil placement. Mining in this fashion must adhere to the 180-day time period for any point of coal removal, including coal removal on the contour cut, unless alternate time criteria are approved in the permit. Similarly, the 180-day limit will apply to contour pre-stripping of upper seams in advance of a dragline on the lowest seam(s) in mountaintop removal and area mining, and alternate time criteria will usually be required in this case. In both examples, the description and analysis of the operation must specify what portions of the permit area will not be backfilled and graded within 180 days and the time frame in which these portions will be backfilled and graded.

Field enforcement of contemporaneous reclamation requirements as explained above will begin six months (180 days) after the date of this RAM. This should provide sufficient time for permittees and operators to make any necessary changes in their operations or obtain approval for alternate time and distance criteria. All permittees should review their mining plans to determine whether alternate criteria are needed, and if so, prepare and submit their permit revisions as early as possible, to allow sufficient time for review and approval before the six-month grace period expires.