

Reclamation Advisory Memorandum RAM # 169

Kentucky Energy and Environment Cabinet Department for Natural Resources

From: Gordon Slone, Commissioner
Date: June 1, 2022
Subject: Long-Term Treatment (LTT) Bonding

On November 25, 2019, the Cabinet submitted a program amendment (KY-261) to the federal Office of Surface Mining Reclamation and Enforcement (OSMRE), to address deficiencies identified by OSMRE to the bonding rates of long-term treatment (LTT) sites in Kentucky. The program amendment proposed modifications to the method used to calculate the amount of bond required on LTT sites. On May 10, 2022, OSMRE published its Final Rule approving the new calculation method in the Federal Register, 87 Fed. Reg. 27938 (May 10, 2022).

Beginning June 10, 2022, the Cabinet will be implementing the new calculation method outlined in KAR 10:015 Section 8(7)(a)(b). The new calculations will be applied to all existing permits on the LTT list, as well as permits added to the list in the future. The cabinet will not be applying the definition of “Long-term Treatment” in 405 KAR 10:001 when making a determination whether a permit needs to provide LTT bonds as the definition has not been approved by OSMRE. The Cabinet will determine that an LTT bond is required when a site has a discharge needing treatment which qualifies the permit to be placed on the list of LTT sites managed by the Kentucky Division of Mine Reclamation and Enforcement.

Also beginning June 10, 2022, to ensure that existing LTT sites have adequate bonding under 405 KAR 10:015 (8)(7)(a)(b), the Division of Mine Permits will begin initiating Special Mid-Term reviews of all permits currently listed as LTT sites in the state. The bond amounts for each permit will be reviewed, and new bonds calculated, as needed, under the approved method. The new bonding method will also be applied to permits added to the list in the future.

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