

SUBJECT: COAL REMINING OPERATIONS

DATE: MAY 25, 2011

APPROVAL: Lewis A. Halstead

Coal Remining Operations

Legal authority for coal remining: 22-3-13(b) 3
38-2-2.26
38-2-23

The West Virginia Surface Mining and Reclamation Rules §38-2-2.26 states “Coal Remining Operations means a coal mining operation on lands which would be eligible for expenditures under section 4, article 2 of Chapter 22.” That means created prior to August 3, 1977 or AML eligible.

The criteria in the rules §38-2-23 outlines the performance standards for this type of remining operation. §38-2-23.1.b. states that a demonstration must be made in writing that the volume of all reasonably available spoil located in the vicinity must be used to reclaim the reaffected or enlarged highwall. It is obvious that the language “reaffected or enlarged” means that an additional fresh cut of the pre-existing highwall can be taken and if there is not enough reasonably available spoil, an approximate original contour (highwall) variance can be granted using the surface mine application Section O-5-A.

All spoil generated during the second cut operation, in addition to all reasonably available spoil from the prelaw area, must be utilized to eliminate as much highwall as that volume of spoil will provide for. Keep in mind that 14.8.a.4 (pertains to steep slope mining) says “The operator shall at a minimum retain all overburden and spoil on the solid portion of the existing or new benches and backfill and grade the area to the most moderate slope possible.

Where the highwall contains more than one coal seam and both are not remined in all places and a demonstration has been made that there is not enough spoil available to totally eliminate all highwall, the highwall AOC variance can be applied to either, or both, of the seams as long as all available spoil is used for reducing the highwall (overstacking on the bottom seam would not constitute eliminating as much of the wall as possible.) and all of the other criteria in §38-2-23 are met. Those criteria are:

- a) Demonstrate in writing that the volume of all reasonably available spoil located in the vicinity of the remining operation is insufficient to completely backfill the reaffected or enlarged highwall.

- b) Demonstration that the highwall has been reduced to the maximum extent technically practical.
- c) All spoil was used to reclaim high wall and there is no overstacking.
- d) Demonstrate the post mining slope will not exceed either the angle of repose or such lesser slope as is necessary to achieve a minimum long-term static safety factor of 1.3 and to prevent slides and will not cause a hazard to public safety or significant damage to the environment.
- e) Sufficient number x-sections characterize pre and postmining conditions. The steeper the area the more x-sections are needed.
- f) The remaining requirements of §38-2-23.1.