Remining Summary

Since the passage of modern coal mining reclamation laws during the early 1970s in Ohio, remining has played an important role in watershed restoration. However, this restoration activity has not been well documented in the state. In recent years, coal mine permitting has become increasingly more difficult, especially with the regulatory reviews needed to obtain federal and state water quality permits (i.e. Section 401, 402, and 404 permits) as well as the increasingly more stringent federal SMCRA regulations and state of Ohio Revised Code 1513 coal mine laws and regulations. Studying the impact remining has had on a watershed basis is important and can serve as valuable background information for regulators involved in permitting activities and for the general public.

In 1972, as a result of increased environmental awareness and public concern, Ohio enacted a comprehensive strip mine law which, at the time, was the most stringent in the country. As a part of this reclamation law, disturbed ground was to be reclaimed to its approximate, original contour mimicking the premining surface and be capable of supporting land uses equal to or higher than those existing prior to mining. Ohio’s 1972 strip mine law ushered in modern mining laws in the U.S., culminating in Congress passing the federal SMCRA of 1977. One of the stated goals of SMCA was the reclamation of AML present prior to enactment of SMCRA. Many coal mines were left in an abandoned condition and continued to degrade the environment and pose health and safety risks to the public.

The Ohio legislature also created the Board on Unreclaimed Strip Mine Lands in the 1972 Ohio Strip Mine Law. One of the first acts of this Board was to commission the “Land Reborn Study.” This study identified watersheds impacted by the legacy mining operations in the state and reported its findings to the state legislature. The environmental impacts and challenges facing Ohio from this pre-1972 mining were thoroughly documented. This study has not been updated since its publication in 1974. One of the most endemic problems generated from these AML sites was the transport of spoil materials and mine drainage off site through local drainways and streams. Ohio EPA and DMRM consider acid mine drainage and sediment that originate from AML sites as a major problem in eastern Ohio. These agencies also recognize that one of the most successful means for restoring AML sites is for coal mining companies to remine these
sites, extract the remaining coal reserves and reclaim the land. Ohio EPA and DMRM recognize that if AML sites remain unreclaimed while coal mining operations are conducted on adjacent areas, a time-critical opportunity for reclamation is lost.

Coal remining is defined in the law as the mining of surface mine lands, underground mine lands, and coal refuse piles that were abandoned prior to the enactment of SMCRA in 1977. During remining operations, acid-forming materials are removed or buried concurrently with the extraction of coal reserves; pollution abatement BMPs are implemented according to applicable regulatory requirements; dangerous highwalls are eliminated; and exposed spoils are graded and revegetated resulting in the reclamation of the abandoned mined land (AML). Furthermore, the implementation of appropriate BMPs during remining can be effective at improving the water quality of, or eliminating completely, pre-existing mine drainage. Many of the problems associated with AML have been historically remediated with public funds but through the remining process, the mining companies reclaim AML sites as part of their secondary coal remining and reclamation operations at no cost to the AML program.

DMRM is in the process of updating its rules and policies in response to Federal Regulatory Rules promulgation in 2003. In addition, DMRM is evaluating methods to increase the coal mining industry’s participation in remining through enhanced incentives. It is also important for the DMRM to effectively administer the remining program and provide for a seamless permitting system which facilitates remining of coal reserves and reclaims previously affected abandoned mined areas.

The coal mining industry has seen increased involvement by federal and state agencies in the permitting of surface coal mines. This involvement stems from the enhanced review process implemented by the United States Environmental Protection Agency (USEPA) and the United States Army Corps of Engineers (USACOE) over the issuance of Clean Water Act (CWA) Section 401, 402, and 404 permits associated with mining. Coal remining provides an incentive for these agencies and the coal industry to work together in the cleanup of legacy AML while meeting the compensatory mitigation goals of the CWA. Currently, coal remining represents a significant percentage of surface mine applications being submitted in Ohio.
Over the last couple of decades, in addition to remining operations, numerous AML projects have been undertaken in Ohio’s coal field. The combination of remining, AML reclamation, and attenuation with the passage of time, has resulted in significant environmental improvements in the impacted watersheds.