

SUBJECT: Clarification of the Applicability and Certification for Operations Designed Using Final AOC Guidance Document (Steep Slope Operations Only)

DATE: August 1, 2011

This procedure shall be utilized for the clarification of the applicability and certification for operations designed using the Final AOC Guidance Document.

Policy/Procedures:

The West Virginia Surface Mining Reclamation Regulations provide for objective and well-defined methods for determining Approximate Original Contour (AOC) and to assure compliance. The Final AOC Guidance Document applies to steep-slope surface mining applications submitted after March 24, 2000. This Guidance Document is commonly referred to as (AOC-Plus) and is located within Section 29 of the Permit Handbook. The Final AOC Guidance Document does not apply to underground, refuse, contour or non-steep slope surface mining facilities.

Section 10.1 and 10.2 of the Final AOC Guidance Document provides criteria and guidance for Semi-Annual Certifications of AOC by a Registered Professional Engineer (RPE). The purpose of the Semi-Annual AOC Certification is to determine if the operation is in compliance with its spoil handling plan which was developed as part of the AOC Final Guidance Document and if the operation can maintain the excess spoil optimization plan as included in the approved permit. To ensure compliance, at a minimum, the following information shall be included in the semi-annual submission:

- Certification of Compliance with Final AOC Guidance Document
- Volumetric Table
 - Comparison to Spoil Balance in approved Permit,
- Progress Map
- Cross-section information for any areas backfilled to final regrade
 - Current cross-sections of the backfill area shall be compared with regrade plan and cross-sections in the approved Permit

The Certification criteria are as follows:

1. The operation is in compliance with its spoil handling plan which was developed as part of the AOC Final Guidance Document;

2. The operation can maintain the excess spoil optimization plan as included in the approved permit; and
3. There have been no material changes in, or are any material changes anticipated (defined as greater than 5%), in the following:
 - a. The volume of overburden generated
 - b. The areal extent of coal to be mined
 - c. The spoil balance
 - d. The final regrade configuration, so it does not comply with section 9.1 of the Final AOC Guidance Document
 - e. Increases in the Excess Spoil Disposal Volume (ESDV)
 - f. Moving the toe of any valley fill downstream, or
 - g. Other changes that impact the approved excess spoil optimization plan, such as changes in mining method or equipment.
4. If any changes have occurred or are anticipated in the above, the operator must justify in the semi-annual report why the changes have occurred.
5. Should the answer be “yes” to any part of Paragraph 3 above (Question 3 on the Certification Form), the permittee shall submit a permit revision implementing any material changes in the mine operation and mine plan.
6. The required certifications should be submitted by the 15th day of January and July for the preceding (July 1 and December 31) and (January 1 and June 30) periods, respectively.
7. The Certification requirement described herein applies to both AOC and AOC Variance permits, which are designed in accordance with the Final AOC Guidance Document.