



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

September 15, 1982

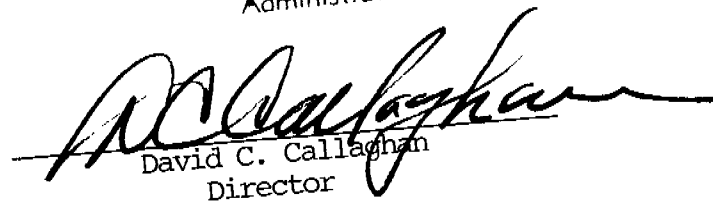
JOHN D. ROCKEFELLER IV  
Governor

DAVID C. CALLAGHAN  
Director  
WILLIS H. HERTIG, JR.  
Deputy Director

NOTICE OF ACTION

In accordance with the provisions of Chapter 29A-3-4(a), the Department of Natural Resources is filing on this date an amendment to the Coal Refuse Disposal Regulations which were promulgated under the authority of Chapter 20, Article 6. The regulation presently in effect was filed on June 17, 1982 on an emergency basis. This proposed amendment is in response to requirements of the Office of Surface Mining that all water leaving the permit area meet Federal and State water quality statutes, regulations, standards or effluent limitations.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9/15/82  
Administrative Law Division

  
David C. Callaghan  
Director

2. Results of analyses, trials and tests shall be included in the pre-plan. Certification of trials and tests shall be made by a laboratory approved by the director stating that:

(a) The proposed substitute material is equal to or more suitable for sustaining the vegetation than is the available topsoil;

(b) The substitute material is the best available material to support the vegetation; and

(c) The trials and tests were conducted using standard testing procedures, the results of which shall be included in the pre-plan.

f. Nutrients and Soil amendments in the amounts determined by soil tests shall be applied to the redistributed surface soil layer, so that it supports the approved postmining land use and meets the revegetation requirements of Section 12 of the interim regulations. All soil tests shall be performed by a qualified laboratory using accepted methods approved by the director. These tests shall include nutrient analysis and lime requirement tests. Results of these tests shall be submitted to the director with the final planting report as required by Section 12D.01 of the interim regulations.

#### E.03 Water Quality

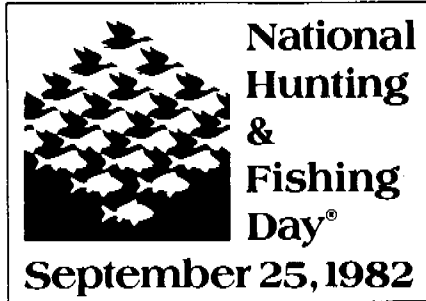
a. Water Quality Control - All reasonable measures shall be taken to intercept all surface water by the use of diversions, culverts and drainage ditches or other methods to prevent water from entering the operational area. All water leaving the permit area will meet Federal and State water quality statutes, regulations, standards or effluent limitations. All surface drainage from the disturbed area must pass through a sediment pond or series of sediment ponds or other approved sediment or treatment control structures.

ABSTRACT OF PROMULGATION HISTORY

January 19, 1981	filed in State Register
January 26-29, 1981	public hearings in Beckley, Buckhannon, Morgantown
February 13, 1981	legal injunction of surface mining regulations
April 22, 1981	promulgation of coal refuse regulations on an emergency and also filed on a regular basis
June 9, 1981	public hearing
June 16, 1981	end of public comment period
July 22, 1981	revised regulations promulgated on an emergency and filed on a regular basis
October 1, 1981	regulations permanently in effect
June 8, 1982	OSM requirement to amend regulations by June 15, 1982
June 17, 1982	filing of amendment on an emergency basis to meet OSM deadlines

# NEWS

STATE OF WEST VIRGINIA • DEPARTMENT OF NATURAL RESOURCES • CHARLESTON 25305



## DNR SEEKS COMMENTS ON COAL REFUSE DISPOSAL REGULATIONS

The Department of Natural Resources will receive written comments concerning an amendment to water quality regulations for coal refuse disposal areas until November 1, 1982. Comments should be sent to: Director, Department of Natural Resources, 1800 Washington Street East, Charleston, West Virginia 25305.

If adopted, the amendment would require that all water leaving the permit area meet Federal and State water quality statutes, regulations, standards or effluent limitations.

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A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9/15/82  
Administrative Law Division

FISCAL NOTE  
(Submit 4 copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_

EXPLAIN IN A CLEAR, CONCISE MANNER WHAT EFFECT THIS MEASURE WILL HAVE ON THE COSTS AND REVENUES OF STATE GOVERNMENT

FISCAL NOTE TO Natural Resources - Coal Refuse Disposal Regulations

(GIVE BILL OR RESOLUTION NUMBER WHEN AVAILABLE OTHERWISE IDENTIFY BY SUBJECT, CODE REFERENCE, ETC.)

An amendment to the Coal Refuse Disposal Regulations promulgated under Chapter 20-6 et. seq.

The purpose of this amendment is to change water quality requirements for coal refuse areas operating under surface mine permits. The change would require that all water leaving the permit area meet Federal and State water quality statutes, regulations, standards or effluent limitations.

DATE

9/15/82

AGENCY

Dept. of Natural Resources

AUTHORIZED REPRESENTATIVE



## FISCAL NOTE WORKSHEET

(Submit 4 copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Coal Refuse Disposal Regulations FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND IN ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THREAPTER
1 ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2 ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3 EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

An amendment to the Coal Refuse Disposal Regulations promulgated under Chapter 20-6 et. seq.

This amendment will not effectively increase or decrease the cost of inspecting coal refuse disposal areas to the State. Inspectors presently test for water quality and would continue to do so under this amendment.

The impact of this amendment to residents of the State will be negligible because these requirements equal those of the existing State NPDES Program.

DATE  
9/15/82

AGENCY  
Dept. of Natural Resources

AUTHORIZED REPRESENTATIVE  
