U.S. Office of Surface Mining

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OSM Issues New Rule for Coal Mining in Tennessee

(Washington DC) – The U.S. Office of Surface Mining Reclamation and Enforcement (OSM) is publishing a final rule that will give greater financial strength to Tennessee's mine reclamation program and promote better tree growth on previously forested areas.

The final rule will provide additional options for bond coverage for Tennessee coal mine operators, by allowing operators to create trust funds or purchase annuities to pay for the treatment of discharges commonly referred to as acid mine drainage

Before coal mining permits are issued, operators must submit hydrologic reclamation plans showing how water discharges from the mined area will meet water quality standards. In the rare cases where they fail to meet water quality standards, operators must make monetary guarantees ensuring there will be funding to pay for treatment if unanticipated pollution is created.

Under current rules, OSM requires operators to have surety bonds, which are often bought through insurers. Coverage is set at purchase. If unexpected pollution does occur, the cost of cleanup is often very high and can last for years raising the possibility of costs outstripping the bond level set several years earlier. By allowing operators to substitute interest-bearing annuities and trust funds, OSM expects to create a more reliable reserve of cleanup funds that will be less affected by inflation. These financing mechanisms will be managed by a third-party financial expert and will name OSM as the beneficiary.

The final rule also revises the revegetation success standards for certain post-mining land uses in Tennessee. This revision is based on a decade's research by scientists at the University of Kentucky, Virginia Tech, West Virginia University, and other universities from across the country.

The previous standards produced reclaimed mines with dense grasses that competed with trees for nutrients, sunlight and water. As a result, any trees planted on these sites usually did not survive and if they did, their growth was severely stunted. OSM's revised revegetation requirements for sites with a postmining land use of wildlife habitat, undeveloped land, recreation, or forestry will make it easier to reestablish the forests that existed prior to mining.

"It's our hope that the revised revegetation standards, combined with our reforestation initiatives, will promote the restoration of mined lands to the kind of healthy, thriving and diverse landscapes that existed before mining took place," said Brent Wahlquist, Acting Director of OSM.

Researchers have determined that revegetation levels at current levels are far too high to allow for successful tree survival and growth. They have demonstrated that planting tree seedlings in lose or lightly graded material, including rough and rocky spoil with little or no groundcover, produces survival and growth rates that exceed tree growth on un-mined lands. Reduced grading also increases infiltration, while storm runoff and sedimentation are decreased. These factors will lead to reduced erosion.

Leveraging these research discoveries, the final rule requires a standard specifically geared to the unique characteristics of each mine site and to the proposed post-mining land use. The modified revegetation requirements apply only to sites with a post-mining use requiring the planting of trees such as wildlife habitat, undeveloped land, recreation, or forestry. In all cases, the required revegetation must control erosion on the site.

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