

POST-FILING NOTICE OF CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

On March 25, 2009 the Lieutenant Governor filed regulations from the Department of Natural Resources regarding 11 AAC 90, including the following areas of Alaska Surface Coal Mining Program regulations:

- permit application requirements, including water quality analysis methods, and the description of hydrology and geology
- measures for fish and wildlife protection
- hydrologic balance issues, including the discharge of water or coal mine waste into a mine
- the experience and education requirements for engineers at mines
- construction and inspection requirements for dams and impoundments
- small operator assistance program applications and eligibility
- bond amounts and requirements, including size and configuration of bonded areas
- Topsoil protection and topsoil removal requirements
- Western Alkaline Mine Initiative (e.g., application of state and federal water quality standards, sediment control measures, and siltation structures)
- regulation regarding design precipitation events (e.g., diversion of flow, sedimentation ponds, treatment facility design, impoundment construction requirements, peak discharge events, erosion control structures, bridge and culvert design)
- surface and groundwater monitoring requirements
- public notice of blasting
- spoil and coal waste disposal; configuration and placement of waste piles
- adoption by reference of federal regulatory requirement on waste piles
- water removal requirements for impoundments
- backfilling, grading, and overburden requirements
- auger mining
- inspections of abandoned sites
- the timing, conditions, and methods for assessment of civil penalties and fees
- the process for petitions to designate areas unsuitable for mining and to terminate such designations
- the determination of underground mining effects on drinking water sources and implementation of measures to protect drinking water sources
- measures to prevent or minimize subsidence and providing for adjustment of bonds for subsidence damage
- exemptions for the extraction of coal incidental to the extraction of other minerals (application requirements, public information, exemption revocation procedures)

- applicability of the proposed regulation to coal mining activities
- definitions

The regulations changes were necessary to:

- make the department's coal mining regulations consistent with the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA) regulations,
- clarify and improve the Alaska Surface Coal Mining Program standards, update references, and make changes to the regulations to make them internally consistent, including adding definitions.

These regulation changes went into effective April 24, 2009, and will be published in Register 190, July 2009.