

## § 870.19

(b) If OSM disallows any or all of an allowance for excess moisture, you must submit an additional fee plus interest computed according to § 870.21(a) and penalties computed according to § 870.21(c).

(c) The following definitions are applicable to §§ 870.19 and 870.20. ASTM standards D4596-93, *Standard Practice for Collection of Channel Samples of Coal in a Mine*; D5192-91, *Standard Practice for Collection of Coal Samples from Core*; and, D1412-93, *Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 °C* are incorporated by reference as published in the 1994 Annual Book of ASTM Standards, Volume 05.05. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Each applicable ASTM standard is incorporated as it exists on the date of the approval, and a notice of any change in it will be published in the FEDERAL REGISTER. You may obtain copies from the ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. A copy of the ASTM standards is available for inspection at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(1) *As-shipped coal* means raw or prepared coal that is loaded for shipment from the mine or loading facility.

(2) *Blended coal* means coals of various qualities and predetermined quantities mixed to control the final product.

(3) *Channel sample* means a sample of coal collected according to ASTM standard D4596-93 from a channel extending from the top to the bottom of a coal seam.

(4) *Commingled coal* means coal from different sources and/or types combined prior to shipment or use.

(5) *Core sample* means a cylindrical sample of coal that represents the

## 30 CFR Ch. VII (7-1-14 Edition)

thickness of a coal seam penetrated by drilling according to ASTM standard D5192-91.

(6) *Correction factor* means the difference between the equilibrium moisture and the inherent moisture in low rank coals for the purpose of § 870.20(a).

(7) *Equilibrium moisture* means the moisture in the coal as determined through ASTM standard D1412-93.

(8) *High-rank coals* means anthracite, bituminous, and subbituminous A and B coals.

(9) *Low-rank coals* means subbituminous C and lignite coals.

(10) *Slurry pond* means any natural or artificial pond or lagoon used for the settlement and draining of the solids from the slurry resulting from the coal washing process.

(11) *Tipple coal* means coal from a mine or loading facility that is ready for shipment.

[62 FR 60142, Nov. 6, 1997, as amended at 73 FR 67633, Nov. 14, 2008]

### § 870.19 How to calculate excess moisture in HIGH-rank coals.

Here are the requirements for calculating the excess moisture in high-rank coals for a calendar quarter. ASTM standards D2234-89, *Standard Test Methods for Collection of a Gross Sample of Coal*; D3302-91, *Standard Test Method for Total Moisture in Coal*; D5192-91, *Standard Practice for Collection of Coal Samples from Core*; D1412-93, *Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 °C*; and, D4596-93, *Standard Practice for Collection of Channel Samples of Coal in a Mine* are incorporated by reference as published in the 1994 Annual Book of ASTM Standards, Volume 05.05. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Each applicable ASTM standard is incorporated as it exists on the date of the approval, and a notice of any change in it will be published in the FEDERAL REGISTER. You may obtain copies from the ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. A copy of the ASTM standards is available for inspection at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951

**Surface Mining Reclamation and Enforcement, Interior**

**§ 870.19**

Constitution Avenue, NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a)(1) Calculate the excess moisture percentage using one of these equations:

$$EM = TM - IM$$

or

$$EM = TM - \left( IM \times \frac{100 - TM}{100 - IM} \right)$$

(2) EM equals excess moisture percentage. TM equals total as-shipped moisture percentage calculated according to Table 1 of this section. IM equals inherent moisture percentage calculated according to Table 2 of this section.

(b) Multiply the excess moisture percentage by the tonnage from the bonafide sales, transfers of ownership, or uses by the operator during the quarter.

**Table 1**

<b>Calculating TOTAL moisture percentage in HIGH-rank coals <sup>1</sup></b>	
<p><b>Collect and test each day you ship or use coal ▼</b></p> <p>Collect a sample of as-shipped or used coal. Follow procedures in ASTM D2234-89.</p> <p>Test the sample for daily total moisture percentage. Follow laboratory procedures in ASTM D3302-91.</p> <p>Obtain prior OSM approval for use of other procedures.</p>	<p><b>Convert daily test results to quarterly figures and report them ▼</b></p> <ol style="list-style-type: none"> <li>1. Multiply daily total moisture percentage by daily tonnage shipped or used. You now have daily total moisture tonnage.</li> <li>2. Add up daily total moisture tonnage for the quarter.</li> <li>3. Add up daily tonnage shipped or used in the quarter.</li> <li>4. Divide 2 by 3.</li> </ol> <p>Report this total moisture percentage in high-rank coal for the quarter on OSM-1, Coal Reclamation Fee Report.</p>

<sup>1</sup> See §870.19 for the incorporation by reference of the ASTM standards.

Table 2

<b>Calculating INHERENT moisture percentage in HIGH-rank coals <sup>1</sup></b>	
<b>Choose from 3 ways to collect and test ▼</b>	<b>Choose from 2 ways to time the tests and convert the results for quarterly reporting ▼</b>
<b>First</b>	<b>First</b>
Collect a core sample <sup>2</sup> . Follow procedures in ASTM D5192-91.	Collect and test once each quarter. Report test results for that quarter on OSM-1. Test results need no converting; they are in quarterly units already.
Test the sample to estimate inherent moisture. Follow laboratory procedures in ASTM D1412-93.	<b>Or second</b>
<b>Or second</b>	Create a 24-month baseline and update as follows:
Collect a channel sample. Follow procedures in ASTM D4596-93.	<i>For reporting months 1-24 . . .</i>
Test the sample to estimate inherent moisture. Follow laboratory procedures in ASTM D1412-93 or ASTM D3302-91.	Collect and test one sample each month. Each quarter, calculate a weighted average percentage of inherent moisture:
<b>Or third</b>	<ul style="list-style-type: none"> <li>● Multiply a month's inherent moisture percentage by tons produced or shipped.</li> <li>● You now have the month's inherent moisture tonnage.</li> <li>● Add up 3 months of that inherent moisture tonnage.</li> <li>● Divide by tons produced or shipped in those 3 months.</li> </ul>
Collect a sample of blended coal, as-shipped coal, tippie coal, commingled coal, or coal from slurry ponds. Follow procedures in ASTM D2234-89.	Report the quarter's weighted average percentage on OSM-1.
Test the sample to estimate inherent moisture. Follow laboratory procedures in ASTM D1412-93.	<i>For all subsequent months . . .</i>
	Collect and test one sample for inherent moisture every 12 months. Calculate—and report in the following 4 quarters—one updated rolling average percentage:
	<ul style="list-style-type: none"> <li>● Add to the annual sample percentage the inherent moisture percentages for the preceding 23 tests.</li> <li>● Divide by 24.</li> </ul>
	Report the weighted average percentage on OSM-1.
<p><sup>1</sup> See §870.19 for the incorporation by reference of the ASTM standards.</p> <p><sup>2</sup> Core sampling was approved by the ASTM effective January 1, 1992.</p>	

[62 FR 60143, Nov. 6, 1997]

**§ 870.20 How to calculate excess moisture in LOW-rank coals.**

Here are the requirements for calculating the excess moisture in low-rank coals for a calendar quarter. ASTM standards D2234-89, *Standard Test Methods for Collection of a Gross Sample of Coal*; D3302-91, *Standard Test Method for Total Moisture in Coal*; and, D1412-93, *Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 °C* are incorporated by reference as published in the 1994 Annual Book of ASTM Standards, Volume 05.05. The Director of the

Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Each applicable ASTM standard is incorporated as it exists on the date of the approval, and a notice of any change in it will be published in the FEDERAL REGISTER. You may obtain copies from the ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. A copy of the ASTM standards is available for inspection at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW.,