

STATE REGULATORY PROGRAMS

On March 13, 1979, OSM issued the permanent program rules required by the act. In order for a state to assume jurisdiction over the regulation of surface mining and reclamation operations within the state, the act requires that it submit to the Secretary of the Interior a permanent regulatory program that is consistent with the act and with the regulatory program established by OSM.

Permanent Regulatory Program

Each state program is reviewed by the public, industry, OSM, the department, and other federal agencies. Notices providing a description of the program, stating where the program is available for public review, and inviting public comment are published in local newspapers and in the Federal Register. Public hearings are held.

State Programs

The secretary then either approves, conditionally approves, partially approves/partially disapproves, or disapproves the state's program. An approved program grants a state immediate primacy--the state becomes the regulatory authority over coal mining within its borders. A conditionally approved program also grants immediate primacy to a state, but the state agrees to correct minor deficiencies by a certain date. A partially approved/partially disapproved program does not grant primacy, but the state is given a second opportunity to attain it. A disapproved program can also be revised and resubmitted. The act provides 60 days for states to submit modifications. If the final decision is disapproval, OSM becomes the primary regulator for coal mining in the state through implementation of a federal program.

However, under Section 503(d) of the act, if a state's action to resubmit its program or to enforce its approved program is enjoined by state court injunction, a permanent federal program cannot be imposed on the state for the duration of the injunction or for one year, whichever is less, during which time the initial program requirements established under Section 502 are enforced.

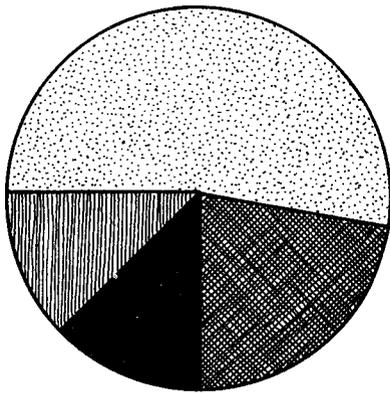
Of the 24 state programs submitted, 16 were approved or conditionally approved during 1980 and 1981. Resubmissions of programs by eight states were enjoined by court injunctions.

OSM assisted the states during the development of their initial and permanent regulatory programs, both with guidance and with grants to partially cover the cost of developing or revising laws, regulations, and procedures. In 1981, nine states received a total of \$17,043,203 for initial program support and four states received \$1,355,583 for development of their permanent programs. Additional grants totalling \$9,307,448 were made to 15 states for development, administration, and enforcement of their permanent programs.

Status Of State Programs

(as of Sept. 30, 1981)

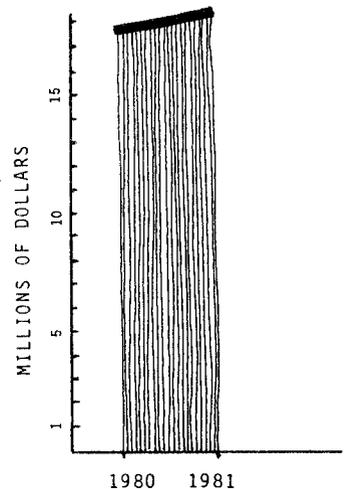
STATE	APPROVED	CONDITIONALLY APPROVED	PARTIALLY APPROVED	DISAPPROVED
ALABAMA				DISAPPROVED
ARIZONA*				
ARKANSAS		CONDITIONALLY APPROVED		
COLORADO		CONDITIONALLY APPROVED		
GEORGIA**				
ILLINOIS			PARTIALLY APPROVED	
INDIANA			PARTIALLY APPROVED	
IOWA		CONDITIONALLY APPROVED		
KANSAS		CONDITIONALLY APPROVED		
KENTUCKY			PARTIALLY APPROVED	
LOUISIANA	APPROVED			
MARYLAND		CONDITIONALLY APPROVED		
MISSISSIPPI	APPROVED			
MISSOURI		CONDITIONALLY APPROVED		
MONTANA		CONDITIONALLY APPROVED		
NEW MEXICO		CONDITIONALLY APPROVED		
NORTH DAKOTA		CONDITIONALLY APPROVED		
OHIO				DISAPPROVED
OKLAHOMA		CONDITIONALLY APPROVED		
PENNSYLVANIA				DISAPPROVED
TENNESSEE			PARTIALLY APPROVED	
TEXAS	APPROVED			
UTAH		CONDITIONALLY APPROVED		
VIRGINIA			PARTIALLY APPROVED	
WASHINGTON**				
WEST VIRGINIA		CONDITIONALLY APPROVED		
WYOMING		CONDITIONALLY APPROVED		
TOTAL	3	13	5	3



* No mining on non-Indian lands
 ** State elected not to submit a program

Program Grants To States (in dollars)

STATE	INITIAL REGULATORY PROGRAM GRANTS		PROGRAM DEVELOPMENT GRANTS		TOTAL RECEIVED
	FY 1980	FY 1981	FY 1980	FY 1981	
ALABAMA	726,436	646,940			1,373,376
ALASKA			100,000	1,070,000	1,170,000
ARIZONA*					
ARKANSAS	198,971				198,971
COLORADO	366,447				366,447
GEORGIA**					
ILLINOIS	1,638,134	1,134,792			2,772,926
INDIANA		900,000			900,000
IOWA		22,229	22,500		44,729
KANSAS	174,734		4,800		179,534
KENTUCKY	3,884,191	4,370,676	240,000	27,500	8,522,367
LOUISIANA					
MARYLAND	142,751				142,751
MISSISSIPPI					
MISSOURI	494,925				494,925
MONTANA	106,509				106,509
NEW MEXICO	303,681		99,235		402,916
NORTH DAKOTA	124,074		172,518		296,592
OHIO	1,029,093	2,471,673			3,500,766
OKLAHOMA	379,478				379,478
PENNSYLVANIA	2,611,075	4,362,766			6,973,841
RHODE ISLAND				153,083	153,083
TENNESSEE	422,200	336,900			759,100
TEXAS					
UTAH	272,457		31,007		303,464
VIRGINIA	2,107,137	2,797,227		105,000	5,009,364
WASHINGTON**					
WEST VIRGINIA	1,830,444				1,830,444
WYOMING			251,254		251,254
TOTAL	16,812,737	17,043,203	921,314	1,355,583	36,132,837



*No mining on non-Indian lands

**State elected not to submit a program

**Regulatory Grants To
The States Under The
Permanent Program
(Permanent Program
Support)**

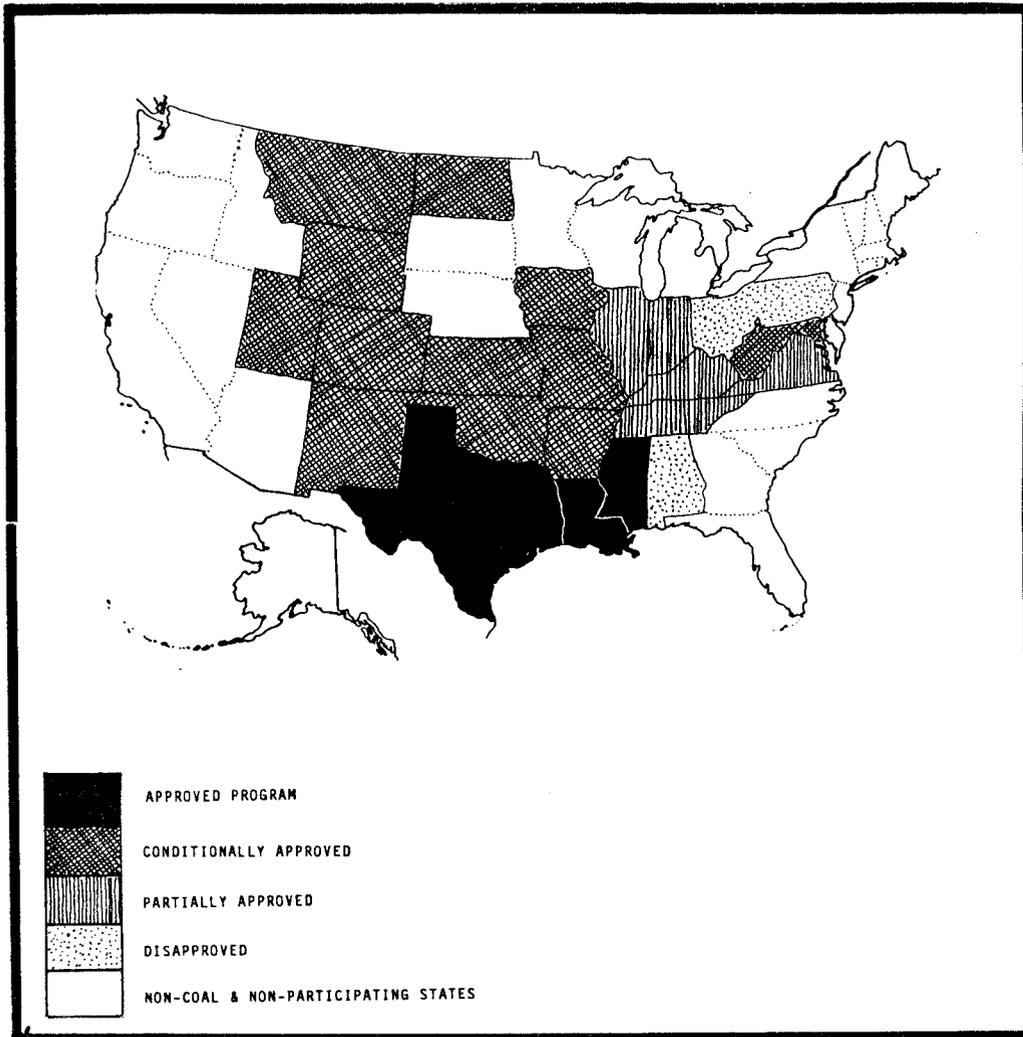
STATE	FY 1980	FY 1981
ALABAMA	--	--
ALASKA	--	--
ARIZONA*	--	--
ARKANSAS	--	\$ 221,912
COLORADO	--	268,460
GEORGIA**	--	--
ILLINOIS	--	--
INDIANA	--	--
IOWA	--	38,501
KANSAS	--	173,784
KENTUCKY	--	--
LOUISIANA	--	127,569
MARYLAND	--	423,499
MISSISSIPPI	--	42,370
MISSOURI	--	395,078
MONTANA	\$ 682,383	765,272
NEW MEXICO	--	417,741
NORTH DAKOTA	--	300,571
OHIO	--	--
OKLAHOMA	--	247,709
PENNSYLVANIA	--	--
RHODE ISLAND	--	--
TENNESSEE	--	--
TEXAS	305,623	361,907
UTAH	--	--
VIRGINIA	--	--
WASHINGTON**	--	--
WEST VIRGINIA	--	4,275,277
WYOMING	--	1,247,798
TOTAL	\$ 988,006	\$ 9,307,448



FY DOLLAR TOTALS

*No mining on non-Indian lands
**State elected not to submit a program

State Programs (as of Sept. 30, 1981)

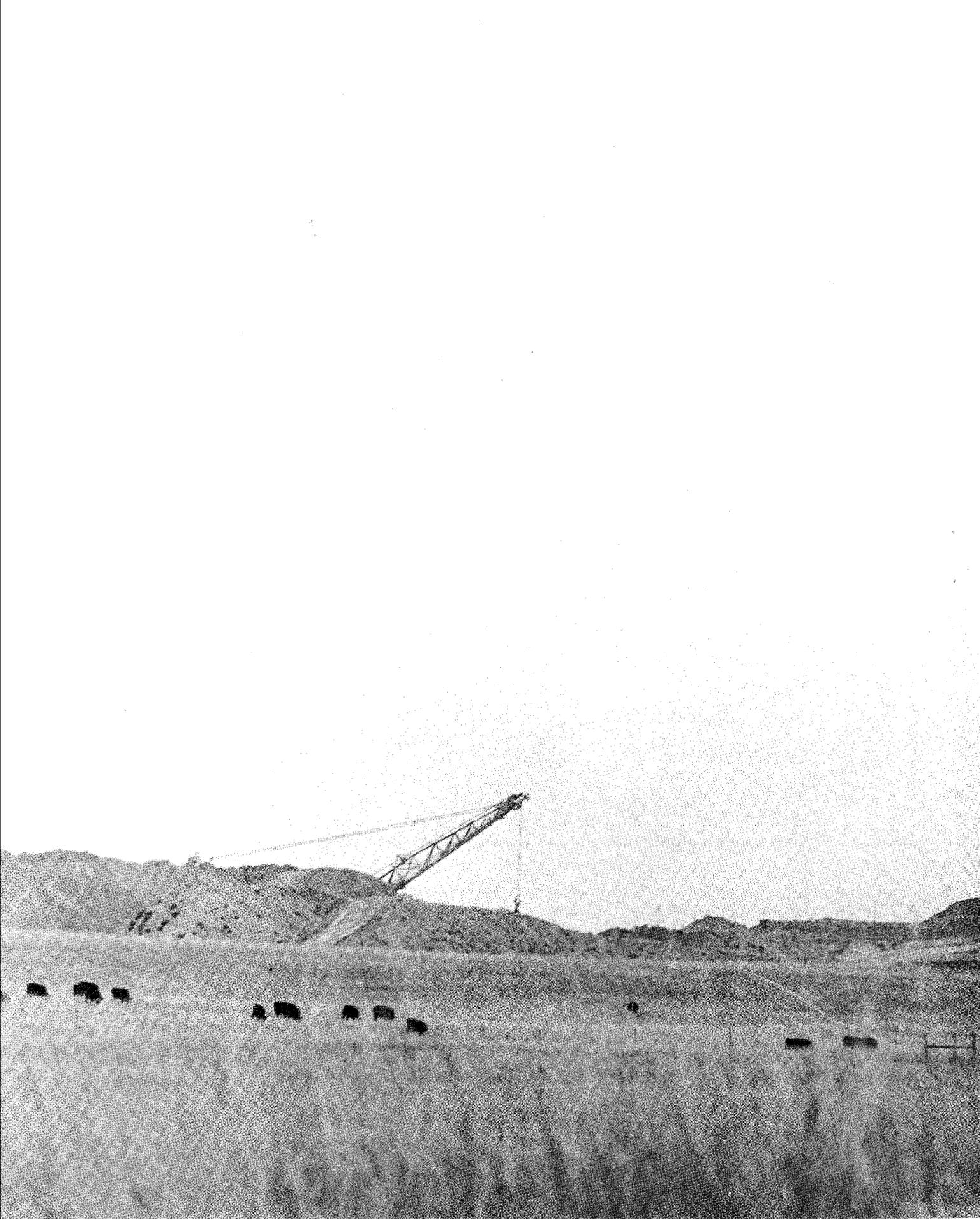


Section 529 of the act provides special environmental protection standards for anthracite coal mining operations. To qualify for this provision states must have had established laws for anthracite mines in effect on August 3, 1977. Pennsylvania was the only state with established anthracite mining rules and regulations at that date. Therefore, anthracite mining operations in Pennsylvania must comply with the environmental protection standards contained in these Pennsylvania statutes instead of the standards required by the Office of Surface Mining permanent program regulations.

Anthracite Mining

In calendar year 1981, 1,035 state inspections were conducted on anthracite surface mining operations. A total of 104 violations, involving 47 companies were issued and \$46,800 in penalties were paid to the state.

The Pennsylvania program has not been approved. However, OSM is working with the state and anticipates approval in the near future. The approved Pennsylvania state program will include the special anthracite mining provisions.



FEDERAL PROGRAMS

OSM is required to regulate surface coal mining and reclamation activities on non-federal and non-Indian lands in a state if:

- the state's proposal for a permanent regulatory program receives final disapproval from the Secretary of the Interior;
- the state does not submit its own permanent regulatory program; or
- the state fails to implement, enforce, or maintain its approved state program.

OSM encourages and supports the primacy of states in the regulation of surface coal mining and reclamation operations within their borders. Three states with active mining--Georgia, Alaska, and Washington--did not submit regulatory programs. Alaska is now preparing its state program for submission. Federal programs for Washington state and Georgia are being developed.

In addition, full federal programs for Arizona, California, Idaho, Massachusetts, Michigan, Nebraska, Nevada, North Carolina, Oregon, Rhode Island and South Dakota are being prepared. These states all have coal reserves and therefore the potential for mining. In the interim, federal coal exploration programs are being issued for Massachusetts, Michigan, Oregon and Rhode Island.

Section 523(a) of the surface mining act requires the secretary to issue and implement a federal lands program applicable to all surface coal mining and reclamation operations taking place on federal lands. The secretary issued regulations implementing the initial phase of the program on August 22, 1978, and the permanent phase of the program on March 13, 1979. During 1981, OSM initiated efforts to amend the permanent federal lands program rules in order to more clearly delineate the roles of the federal government and the states in the regulation of surface coal mining and reclamation operations on federal lands. The amendment would enable states to assume greater responsibility for regulation of mining on federal lands.

The federal lands program is important because the federal government owns significant coal resources in Colorado, Montana, New Mexico, North Dakota, Utah, Wyoming, and throughout the west. Of the 200 billion tons of identified coal reserves in that region, 80 percent is federally owned or cannot be developed without issuance of a federal coal lease under the federal coal management program.

OSM's major responsibility in the federal coal management program, in addition to reclamation and enforcement activities, is to provide assistance to the Bureau of Land Management (BLM) in the federal coal leasing program. OSM involvement in the federal coal leasing program is reflected in a memorandum of understanding (MOU) that defines the cooperative effort among OSM, U.S. Geological Survey, and BLM. The MOU also establishes procedures by which the three agencies carry out functions and responsibilities for federal preleasing activities and for the regulation of operations under federal coal leases and exploration licenses.

Federal Programs

Federal Lands Program

Preleasing activities in the west have vital significance since the bulk of federal reserves is in that region. The cooperative effort attempts to reduce the amount of work by providing information in advance so that site-specific analysis of proposed leasing tracts, consultation among agencies, and review of pre-leasing stipulations can shorten the leasing process.

OSM participated in the program through the regional coal teams established by BLM. These teams are made up of BLM, state directors, and governors' representatives. Representatives of federal agencies including U.S. Geological Survey, U.S. Forest Service, OSM, Fish and Wildlife Service, and the National Park Service are ex-officio members.

Federal Lands Mine Plan Review Status (as of Sept. 30, 1981)

STATES	FY 1981								
	PLANS CARRIED OVER FROM 1980	PLANS SUBMITTED	PLANS FOUND COMPLETE	PLANS FOUND INCOMPLETE	TECHNICAL ANALYSIS COMPLETE	ENVIRONMENTAL ANALYSIS COMPLETE	EIS COMPLETE	PLANS APPROVED	PLANS PENDING
COLORADO	11	17	23	2	6	6	0	6	20
OKLAHOMA	1	1	0	0	0	0	0	0	2
MONTANA	2	8	2	6	2	2	0	0	2
NEW MEXICO	3	0	1	0	1	1	0	1	2
NORTH DAKOTA	2	2	2	2	1	1	0	1	1
UTAH	14	15	4	15	1	1	0	1	13
WYOMING	13	15	4	16	3	2	1	3	9
TOTAL	46	58	37	41	14	13	1	14	49



APPROVED PLANS

Mine Plan Review

During 1981, OSM participated in the review of mining and reclamation plans for coal mining on federal lands to determine compliance with requirements of the Mineral Leasing Act of 1920, as amended, the environmental performance standards of the Surface Mining Control and Reclamation Act, and the requirements of the National Environmental Policy Act (NEPA). OSM, in coordination with state and other federal agencies, must address the effects of mining before a plan may be approved.

Decision packages on mine plans are prepared for the Secretary of the Interior's approval or disapproval. Each package consists of documentation of compliance with the surface mining act, an environmental analysis in accordance with NEPA, other documentation required by the Mineral Leasing Act, the concurrence of BLM, and any stipulations necessary as conditions for approval.

Wyoming, Montana, Utah, Colorado, New Mexico and North Dakota together account for 98.5 percent of all production on federal lands, with Wyoming alone producing 55 percent of the total.

Surface coal mining and reclamation techniques in the West are quite different than those in the East. A typical western mine covers about 4,000 acres and may be worked for as long as 35 years. This means the overall environmental impact extends over a long time period. Western land revegetation also presents special problems due to the limited rainfall. Almost all western mining occurs in dry climates where the annual average precipitation is less than 26 inches. In the Four Corners area, where Utah, Arizona, New Mexico and Colorado meet, the annual rainfall averages four inches which prevents rapid revegetation growth and means western regulations can not be as rigid as those in the eastern coal regions. OSM anticipates that despite these differences coal can be mined and reclamation successfully completed on the western mining sites.

At the beginning of fiscal year 1981, OSM had 46 mine plans on hand for review. During the year, 58 more were received and 14 were approved. At the beginning of 1981, 15 plans were being actively evaluated, and by the end of the fiscal year, 21 plans were being evaluated.

The permanent program rules on federal lands (30 CFR Chapter VII, Subchapter D) become effective in each state on the approval date for each state program. Plans and permit applications under the permanent program are being jointly reviewed by OSM and the states. It is expected that states with approved permanent program cooperative agreements will undertake a significant amount of responsibility for the technical and environmental review of mine plans in future years.

From the effective date of the permanent regulatory program, March 13, 1979, to the end of fiscal year 1981, four complete federal lands unsuitability petitions have been received by OSM.

Designation Of Lands Unsuitable For Mining

The past interior secretary made a decision on December 16, 1980, on the first complete petition received by OSM, which concerned the Alton coal field adjacent to Bryce Canyon National Park in southern Utah. His decision was made in response to an unsuitability petition filed by the Environmental Defense Fund, Friends of the Earth, the Sierra Club and others. The petition involved 203,900 acres of federal land, 16,300 acres of state land, and 68,600 acres of private land. The decision to permit surface coal mining in a part of the Alton coal field has been challenged in the U.S. District Court for the District of Utah.

The second complete petition received by OSM was from the West Virginia Highlands Conservancy. It requested that certain federal lands within the Monongahela National Forest, located in the watershed of the Shavers Fork River in West Virginia, be designated as unsuitable for surface coal mining operations. The decision on the Shavers Fork petition was made on April 27, 1981. It rejected an unsuitability designation, but placed conditions on coal mining operations in the petitioned areas. The decision has been challenged administratively and judicially.

The Tongue River petition was received by OSM on December 29, 1980, from the Northern Plains Resource Council. The petition requested that 194,650 acres of combined federal and state land in southeast Montana along the Tongue River be designated as unsuitable for surface coal mining operations. The petition was processed jointly by the State of Montana and OSM. In December 1981, Montana and OSM rejected the petition, but placed conditions on future mining in the area.

On August 7, 1981, John Prager of Elgin, Texas, petitioned OSM with respect to 2,375 acres of federal land which is part of the Camp Swift Military Reservation located about 30 miles southeast of Austin, Texas. The State regulatory authority received a petition at the same time with respect to approximately 30,000 acres of privately owned land adjacent to the federal land. A study on the unsuitability of the land areas for surface coal mining operations is underway.

The administration of most of the act's requirements for the federal lands program may be delegated by OSM to states through cooperative agreements. By means of such agreements, state regulatory authorities enforce the requirements of the act on federal lands. Certain responsibilities that cannot be delegated to the state are retained by the secretary, such as the designation, or termination of designation, of federal lands unsuitable for surface coal mining; the determination of when, where and how to lease federal coal and; approval or determination of postmining land use for federal lands.

During 1981, permanent program cooperative agreements were entered into with Wyoming and Montana. Processing of requests for permanent program cooperative agreements is proceeding for Colorado, New Mexico, North Dakota, Utah and West Virginia. OSM expects that most other states with coal development on federal lands will request cooperative agreements under the permanent program.



UNSUITABILITY PETITIONS

Federal/State Cooperative Agreements



OSM/STATE COOPERATIVE AGREEMENTS

Indian Lands Program

During 1981, surface coal mining and reclamation operations on Indian lands were regulated by several laws under the Secretary of the Interior. Section 710 710 (d) of the act became effective on February 3, 1980, making most of the act's permanent program requirements applicable to Indian lands. Regulations under Section 710(d), providing for the control of surface coal mining on Indian lands, have been drafted and are expected to be published in 1982.

Draft legislation which would allow Indian tribes to become the regulatory authority on Indian lands was submitted to the coal-owning tribes for their review and comment in 1980. This legislation was prepared in response to the requirements of Section 710(a) and was based on the study report of the Council of Energy Resources Tribes (CERT) and on a jurisdiction study by department's solicitor's office. Meetings were held with the seven coal-owning tribes to explain and discuss the proposals. The draft legislation is intended to allow Indian tribes to elect to assume full regulatory authority over surface coal mining on Indian lands. The draft was revised to reflect tribal concerns and is being reviewed.

A memorandum of understanding among OSM, U.S. Geological Survey, and the Bureau of Indian Affairs, which was signed on May 8, 1980, continues to define the role of Indian tribes as coal owners and documents arrangements for carrying out the responsibilities of the federal government with respect to coal operations on Indian lands.

A cooperative agreement was consummated between OSM and the Navajo Tribe on September 30, 1981. The agreement is designed to assist the tribe in establishing a coal mining reclamation program and to provide it to review mine and reclamation plans for apparent completeness, to prepare technical and environmental assessments, and to conduct other activities.

Indian Land Mine Plan Review Status

INDIAN LANDS	ON HAND -- 1981	PLAN SUBMITTED	PLANS FOUND COMPLETE	PLANS FOUND INCOMPLETE	TECHNICAL ANALYSIS COMPLETED	ENVIRONMENTAL ANALYSIS COMPLETED	EIS COMPLETED	PLANS APPROVED	PLANS PENDING
ARIZONA	0	1	1	0	1	1	0	0	1
MONTANA	0	0	0	0	0	0	0	0	0
NEW MEXICO	0	3	0	3	0	0	0	0	3



INSPECTION & ENFORCEMENT

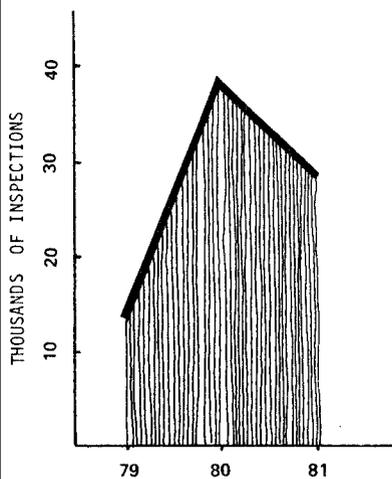
During the fiscal year OSM conducted 29,639 inspections which covered about 68 percent of the inspectable mine sites within its jurisdiction. These inspections produced 3,094 notices of violations and 863 cessation orders identifying 6,836 single violations between the two inspection categories. In addition, OSM received 863 citizen complaints, and 98 percent of these resulted in OSM inspections.

A review of the year's activities indicates that the majority of violations were related to sediment control, failure to have mining maps, improper or lack of signs and markers, effluent limitations being exceeded, improper haul or access roads, and illegal backfilling and grading.

Assessment activities during the fiscal year resulted in approximately \$11 million in civil penalties. About \$1.1 million of these assessments have been collected and about \$8.6 million in assessment cases have been turned over to the U.S. Department of Justice for collection.

OSM Inspection Activities (FY 1981)

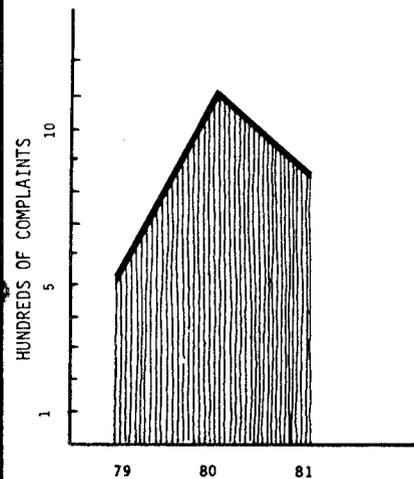
STATE	INSPECTIONS		NOTICES OF VIOLATION	CESSATION ORDERS	CITIZEN COMPLAINTS	NUMBER OF VIOLATIONS
	COMPLETE	PARTIAL				
ALABAMA	2110	421	240	139	37	540
ALASKA	0	0	0	0	0	0
ARIZONA*	1	8	1	0	0	1
ARKANSAS	46	17	2	0	0	7
COLORADO	2	21	2	0	0	2
GEORGIA**	21	8	4	6	0	12
ILLINOIS	634	381	66	8	8	88
INDIANA	1028	878	349	134	32	871
IOWA	19	13	2	0	0	3
KANSAS	31	19	2	0	1	2
KENTUCKY	5265	2493	847	221	378	1999
LOUISIANA	0	0	0	0	0	0
MARYLAND	29	59	5	2	1	9
MISSISSIPPI	0	0	0	0	0	0
MISSOURI	15	54	0	0	1	0
MONTANA	6	5	2	0	0	2
NEW MEXICO	15	26	1	0	0	2
NORTH DAKOTA	3	0	0	0	0	0
OHIO	2166	1014	436	77	34	769
OKLAHOMA	309	172	28	5	11	59
PENNSYLVANIA	4162	2431	486	63	209	810
RHODE ISLAND	0	0	0	0	0	0
TENNESSEE	762	962	295	138	107	1001
TEXAS	2	0	0	0	0	0
UTAH	15	15	5	0	0	8
VIRGINIA	670	571	36	35	35	382
WASHINGTON**	4	0	2	0	0	2
WEST VIRGINIA	1086	1604	162	34	9	267
WYOMING	3	1	0	0	0	0
TOTAL	18405	11173	3094	863	863	6836



* No mining on non-Indian lands
 ** State elected not to submit a program

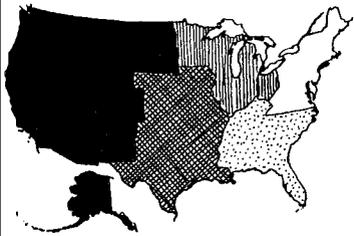
Violation Types By State (FY 1981)

STATE	VIOLATIONS																			
	OTHER VIOLATIONS	DISTANCE PROHIBITIONS EXCEEDING PERMIT	MINING WITHOUT PERMIT SPOIL ON DOWNSLOPE	REVEGETATION	BLASTING	DAMS	ROADS	BUFFER ZONES	WATER MONITORING	EFFLUENT LIMITATIONS	SEDIMENT PONDS	TOPSOIL HANDLING	IMPROPER FILLS	RILLS & GULLIES	HIGHWALL ELIMINATION	BACKFILLING & GRADING	SIGNS AND MARKERS	AUTHORIZATION TO OPERATE		
ALABAMA	92	5	21	22	4	82	5	0	0	1	3	35	72	44	1	20	3	75	54	1
ALASKA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARIZONA	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARKANSAS	4	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	1	0
COLORADO	0	0	0	1	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
GEORGIA	4	0	0	1	0	0	0	0	0	0	3	3	0	0	0	0	1	0	0	0
ILLINOIS	6	0	2	0	0	5	13	0	3	0	9	16	18	7	0	1	0	4	4	0
INDIANA	114	26	0	7	0	68	31	0	6	8	52	31	191	91	0	50	18	15	140	17
IOWA	1	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0
KANSAS	0	0	83	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
KENTUCKY	222	11	0	70	116	113	25	5	217	4	56	83	297	128	134	27	85	83	213	27
MARYLAND	0	0	0	0	0	0	1	0	0	0	0	1	2	0	1	0	0	2	2	0
MISSOURI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
NEW MEXICO	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
NORTH DAKOTA	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OHIO	113	17	1	16	1	13	18	0	29	4	3	132	235	56	11	35	0	29	33	4
OKLAHOMA	12	2	76	0	0	6	5	0	0	1	2	1	11	6	0	2	0	1	8	1
PENNSYLVANIA	30	10	7	17	2	31	11	1	25	17	25	122	258	29	1	11	4	76	50	14
TENNESSEE	115	3	0	93	25	140	26	0	93	11	0	21	203	50	0	20	19	88	81	6
TEXAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	1	0	3	0	1	0	2	1	0	0	0	0	0	0
VIRGINIA	15	4	10	17	43	19	0	0	55	1	4	24	102	12	26	1	21	9	19	0
WASHINGTON	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0
WEST VIRGINIA	25	4	1	2	3	15	2	1	25	3	23	60	53	5	9	5	2	24	3	2
WYOMING	0	0	209	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0
TOTAL	753	82	203	248	194	493	137	7	456	51	179	529	1473	430	183	172	407	158	609	72

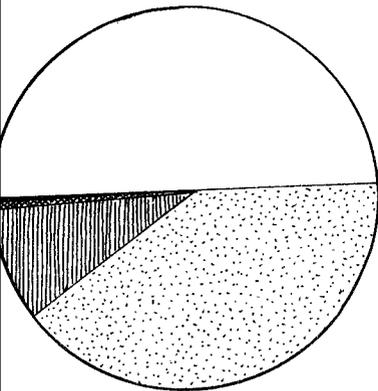


CITIZEN COMPLAINTS

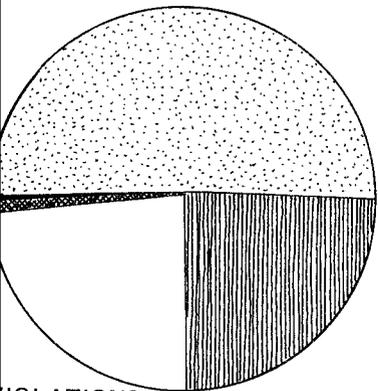
Violations By Type Nationwide (FY 1981)



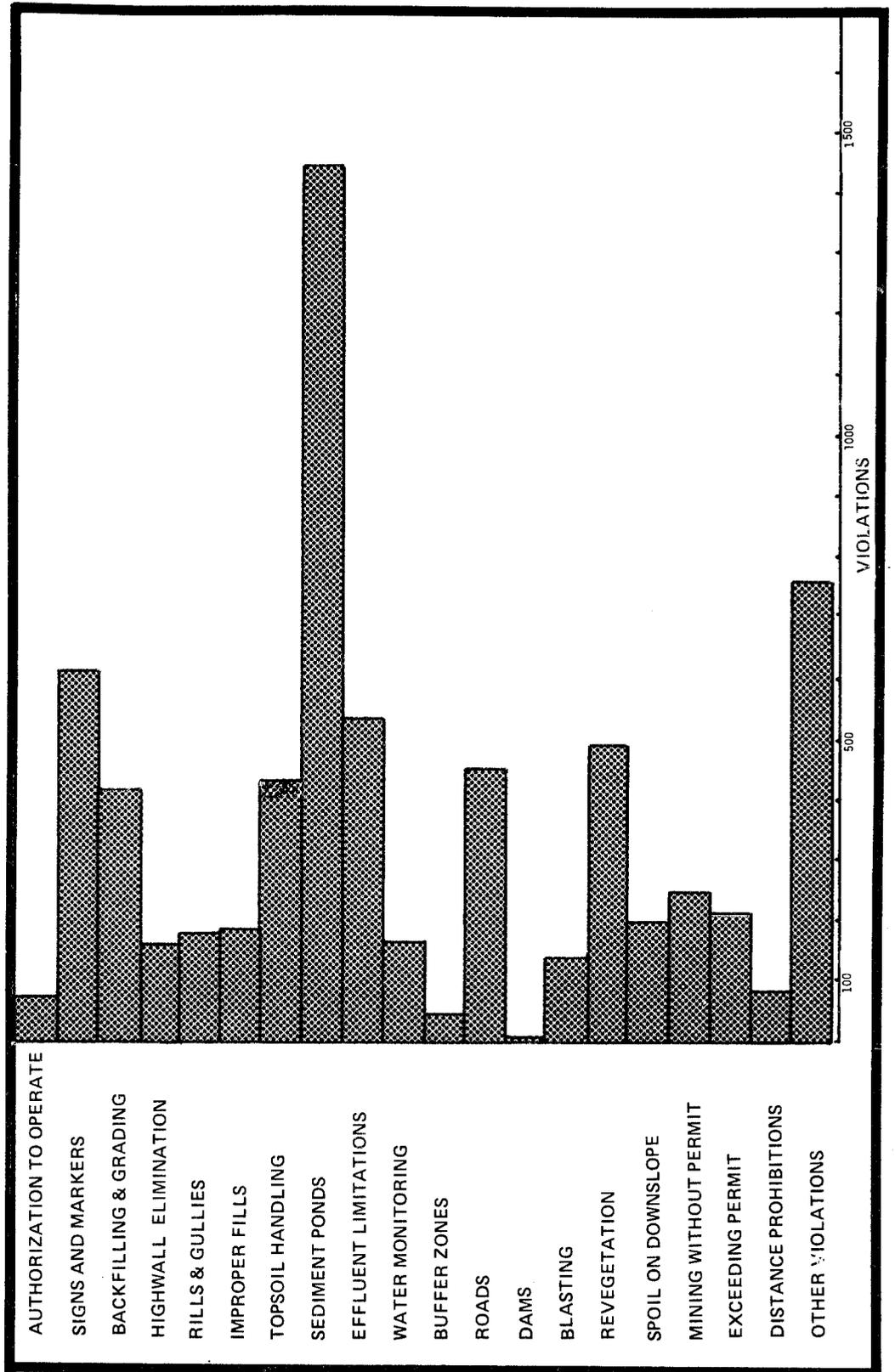
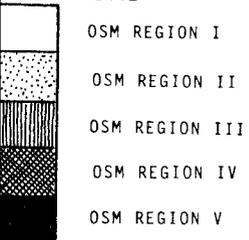
OSM REGIONS



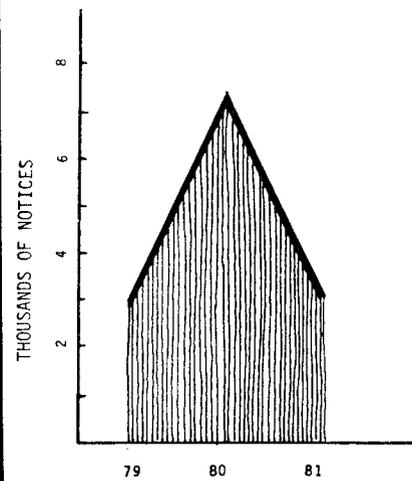
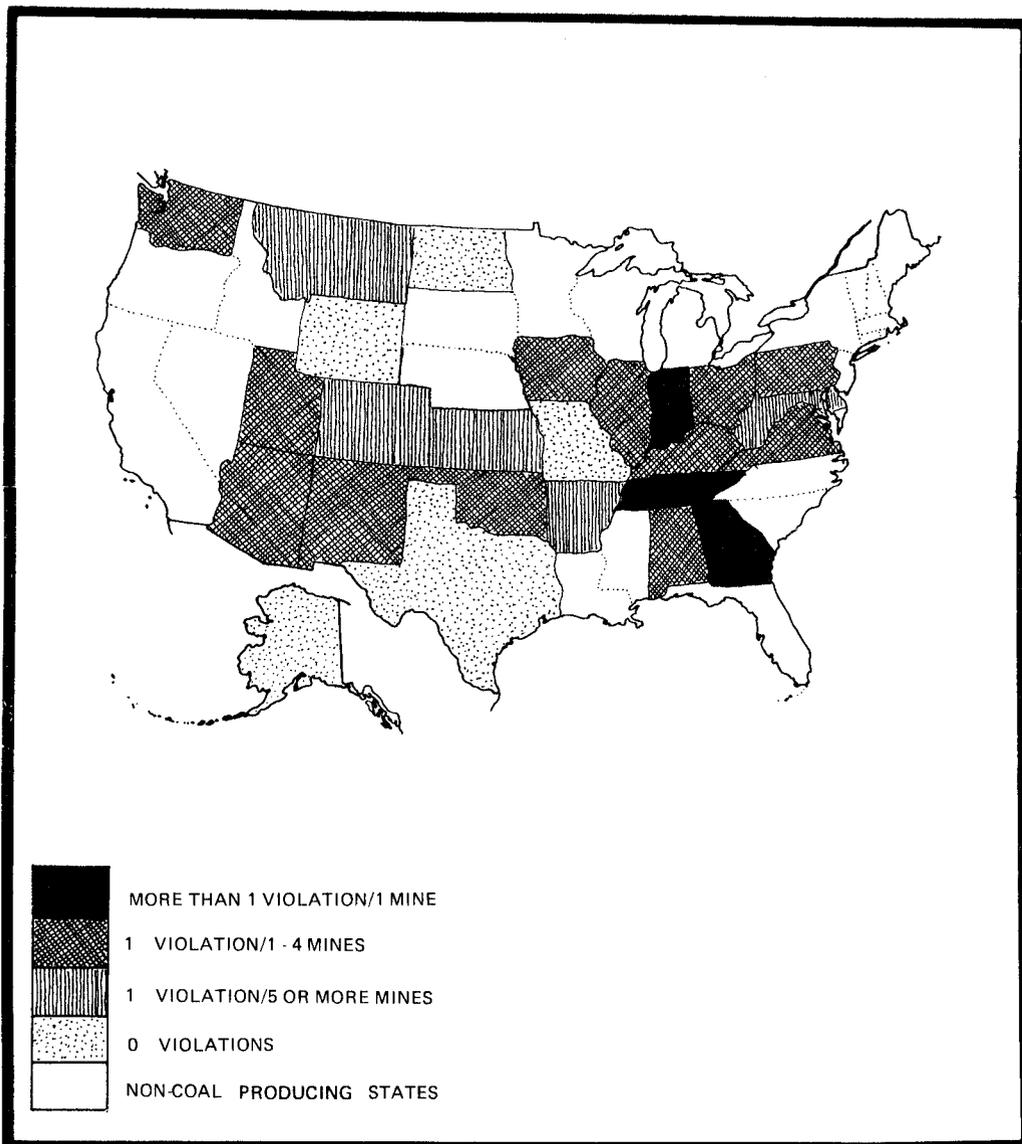
NUMBER OF MINES



VIOLATIONS



Distribution Of Violations By State (FY 1981)



NOTICES OF VIOLATIONS

