

# U.S. Department of the Interior

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Donald Paul Hodel, Under Secretary

Daniel Miller, Assistant Secretary  
Energy and Minerals

## Office of Surface Mining

James R. Harris, Director

J. Steven Griles, Deputy Director

Carson W. Culp, Assistant Director  
Management and Budget

William Schmidt, Assistant Director  
Program Operations and Inspection

Dean Hunt, Assistant Director  
Technical Services and Research





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUN 20 1983

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I am pleased to submit the 1982 Annual Report of the Office of Surface Mining.

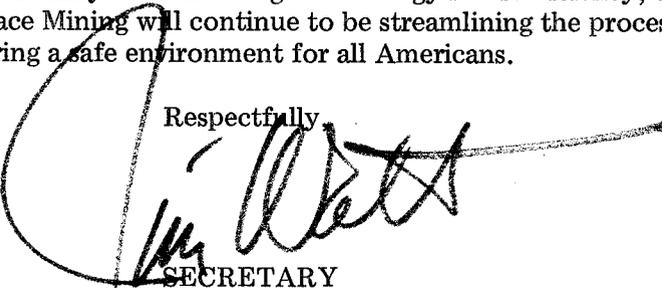
The year 1982 was the fifth anniversary of the Surface Mining Control and Reclamation Act and I am confident you will agree that the fifth year saw OSM realizing what Congress intended when the Act was passed.

Current regulations have now been brought into conformance with the purposes and intent of the Act. This Annual Report summarizes this activity and lists our achievements during 1982.

The program succeeded only because of close working relationships among the members of the U. S. Senate, House of Representatives, the Governors of the coal producing States, and the Department of the Interior. This is a credit to all of us.

Since coal is our best opportunity to assure long term energy self-sufficiency, our goal at the Office of Surface Mining will continue to be streamlining the process for developing coal and ensuring a safe environment for all Americans.

Respectfully

  
SECRETARY



RECLAIMED LAND USED FOR HAY PRODUCTION

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CATTLE GRAZING ON RECLAIMED LAND.

# EXECUTIVE SUMMARY

Prior to January 1981, the Office of Surface Mining (OSM) chose an adversarial relationship with the coal industry and coal producing States. Even though "State primacy" was the cornerstone of Public Law 95-87, Surface Mining Control and Reclamation Act of 1977, States were frequently shut out of the rule-making process. Their knowledge, gained through years of experience in the regulation of surface mining and reclamation at the State level, was ignored. Many of the regulations were burdensome and unrealistic. These factors contributed to a lack of cooperation between the Office of Surface Mining and the States, but the real losers were the consumer, the taxpayer, and the environment.

At hearings before the House Interior and Insular Affairs Committee (subcommittee on energy and the environment) in 1981, OSM Director Dick Harris set the tone for the changes that were to come about in the agency by saying, "The measure of a good regulation should be its effectiveness and not its stringency." He continued, "Some definitions of stringency connote punishment. The proper mission of the Office of Surface Mining is to regulate the coal industry, not to punish it."

While 1981 was a year of change, 1982 was a year of progress as indicated by the following accomplishments:

The Office realized an annual cost savings of more than \$5 million through its reorganization. Completed in 1982, this reorganization, resulted in the creation of 2 technical centers, 13 field offices and 6 area offices allowing the Office of Surface Mining to support the States in the implementation of their programs. Our reorganization was designed to allow States to control their own mining and reclamation programs, as the law intended. This common sense and cost effective approach will enhance, not lessen, the quality of our environment.

During the year, 91 percent of all regulations were rewritten. Some of these regulations were remanded and some had been withdrawn. The previous regulations imposed requirements far in excess of those mandated by the Act. Our rulemaking effort was conducted with full opportunity for comment from all affected groups. The Office of Surface Mining posed options to stimulate the broadest possible debate and reviewed all comments and possible environmental impacts before developing final regulations.

The Office of Surface Mining provides States with technical guidance regarding development, authorization and enforcement while meeting all statutory requirements and maintaining State flexibility. During 1982, the Office published technical handbooks and memoranda to supply data in order to improve understanding of surface mining regulation requirements and techniques.

## Reorganization

## Regulatory Reform

## Technical Assistance

## **State Programs**

Individual State programs approved by the present administration cover 88 percent of the Nation's coal mines compared to 11 percent approved by the previous administration. These programs contain provisions that allow the States to reflect unique mining and reclamation conditions, including diversity in terrain, climate, and biological and chemical conditions.

## **Oversight Policy**

During the initial regulatory program mining and reclamation enforcement was carried out through direct Federal intervention. During the past 2 years the Office of Surface Mining developed an "oversight" policy utilizing data from all affected groups. Oversight is carried out principally through OSM's field offices and is designed to ensure the greatest environmental protection while avoiding costly duplication of effort. This oversight policy is based on a statistical sampling method for coal mine inspections. This method ensures a 95-percent confidence level in OSM's ability to evaluate each State's program.

## **Federal Programs**

The office is required to regulate coal exploration, mining and reclamation activities on non-Federal, non-Indian lands in States that have not developed their own programs. No Federal programs, providing environmental guidelines for individual States, were enacted in the past. OSM has since instituted four programs and nine more are under consideration.

## **Abandoned Mine Land Reclamation**

The Abandoned Mine Land (AML) program is designed to reclaim and restore land and water resources adversely affected by past coal mining. Four State AML plans were approved by the end of FY 1981. In our effort to correct past environmental damage, we have approved 14 additional State AML programs. Money for this program comes from current coal mine operations which are required to pay reclamation fees into the Abandoned Mine Reclamation Fund. Because of our commitment to return AML funds to the States for use in reclamation, OSM obligated grants totalling over \$100 million in the past 2 years. Not only have these grants improved our environment, they have provided more than 2,000 jobs for Americans.

## **Debt Collection System**

In 1982 a task force of attorneys and OSM officials was established to recover more than \$21 million in unpaid reclamation fees and interest and \$50.6 million in overdue fines from coal mine operators. These debts have accumulated since the start of the program. As a result of the task force effort, collection increased by 30 percent. The task force worked with the Department of Justice to expedite civil prosecution of these cases.

## **Inspectors**

The total number of State mining and reclamation inspectors has increased by nearly 40 percent in the last 2 years. There are more inspectors in the field now than ever in the history of the program. As a result of this administration's policies, both State and Federal inspectors are working in concert to ensure that environmental protection and proper reclamation occur.

## **Illegal Mining Operations**

An administrative enforcement method to use against illegal, unpermitted mining operations did not exist in the past. New regulations were adopted to shut down illegal operations. In 1982, the Office provided grants, training, and expert personnel to assist Kentucky officials in indicting 12 illegal operators and confiscating \$900,000 in equipment from illegal operators.

These accomplishments show strides that we have made to meet the intent of Congress and continue to work toward our goals of cost efficient mining and a safe environment for all Americans.



INSPECTING VEGETATIVE COVER ON RECLAIMED LAND.

# REGULATORY REFORM

During FY 1982 the Office of Surface Mining (OSM) continued its high priority effort to revise regulations under the Surface Mining Control and Reclamation Act of 1977. The primary thrust was to eliminate unnecessary and burdensome surface mining rules and replace regulations remanded or withdrawn. This resulted in the development of new regulations which will assure protection of the environment while at the same time providing for the mining of coal, an important energy source to the Nation.

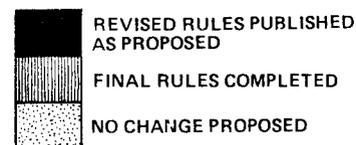
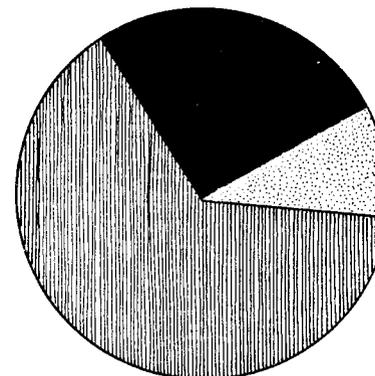
Previously States had to submit regulations that "mirrored" the Federal regulations in order to assure approval. OSM proposed a rule which has become the cornerstone of regulatory reform. With the new rule, States can adopt regulations that are "no less effective than" the Federal regulations.

In January 1981 a regulatory reform task force was organized and staffed with technical experts from several headquarters divisions, both technical centers and a number of field offices. Personnel from the Department of the Interior Solicitor's Division of Surface Mining provided closely coordinated legal support.

During the period January through July OSM published 34 proposed rules in the Federal Register. Twenty-five have been delayed from final publication until OSM completes a final supplement environmental impact statement (EIS) as required by the National Environmental Policy Act. It is planned that the supplemental EIS will be completed in mid-January 1983 with all associated final rules published during the spring 1983.

In August 1982 OSM, in accordance with the National Paperwork Reduction Act, filed with the Office of Management and Budget (OMB) the required applications for new recordkeeping clearances for all applicable proposed rules. It is expected that these approved clearances will be received from OMB in early FY 1983.

The process of completing all the rules proposed by OSM was begun with the opening of a 60-day comment period on June 25, 1982. During this period OSM received and has made available for public review approximately 1,470 comment documents on performance standard rule changes. Over 6,100 specific comments have been identified in these documents and each of these comments will be carefully reviewed and addressed prior to adopting a final rule.



FY 1981-1982 REGULATORY REFORM

# Rules Proposed During FY 82

SUBJECT	FEDERAL REGISTER CITATION	DATE
ABANDONED MINE LANDS	46 FR 60778	December 11, 1981
ALLUVIAL VALLEY FLOORS*	47 FR 25486	June 11, 1982
ANTHRACITE	47 FR 33988	August 5, 1982
AUGER MINING*	47 FR 12088	March 19, 1982
BACKFILLING AND GRADING*	47 FR 26760	June 21, 1982
BLASTERS CERTIFICATION*	47 FR 12779	March 24, 1982
COAL EXPLORATION*	47 FR 21442	May 18, 1982
COAL MINE WASTE*	47 FR 26598	June 18, 1982
COAL PROCESSING PLANTS & SUPPORT FACILITIES*	47 FR 27688	June 25, 1982
DISPOSAL OF EXCESS SPOIL*	47 FR 24954	June 8, 1982
EROSION CONTROL	47 FR 7384	February 18, 1982
EXPERIMENTAL PRACTICES*	47 FR 12082	March 19, 1982
FEDERAL LANDS	47 FR 25092	June 9, 1982
FEDERAL LANDS UNSUITABLE	47 FR 25303	June 10, 1982
FISH AND WILDLIFE*	47 FR 13466	March 30, 1982
HYDROLOGY*	47 FR 27712	June 25, 1982
IMPOUNDMENTS*	47 FR 26754	June 21, 1982
INSPECTION AND ENFORCEMENT	46 FR 58464	December 1, 1981
PERMITTING PROCESS*	47 FR 27694	June 25, 1982
POSTMINING LAND USE*	47 FR 19076	May 3, 1982
PRIME FARMLANDS*	47 FR 12310	March 22, 1982
PRIME FARMLANDS CUTOFF*	47 FR 16152	April 14, 1982
REMINING*	47 FR 27734	June 25, 1982
REVEGETATION*	47 FR 12596	March 23, 1982
ROADS*	47 FR 16592	April 16, 1982
SECOND CUT REMINING*	47 FR 928	January 7, 1982
SELF-BONDING	47 FR 36570	August 20, 1982

**Rules Proposed  
During FY 82  
-Continued-**

SUBJECT	FEDERAL REGISTER CITATION	DATE
SMALL OPERATOR ASSISTANCE PROGRAM	47 FR 27744	June 25, 1982
SPECIAL BITUMINOUS COAL MINES, WYOMING	47 FR 41	January 4, 1982
STATE LANDS UNSUITABLE*	47 FR 25296	June 10, 1982
STATE PROGRAMS	46 FR 59483	December 4, 1982
SUBSIDENCE/CONCURRENT MINING*	47 FR 16604	April 16, 1982
TOPSOIL*	47 FR 10742	March 11, 1982
TWO-ACRE EXEMPTION AND DEFINITIONS*	47 FR 41	January 4, 1982
USE OF EXPLOSIVES*	47 FR 12760	March 24, 1982
* Rules which OSM has delayed from being promulgated until an Environmental Impact Statement can be completed.		

**Rules Finalized  
During FY 82**

SUBJECT	FEDERAL REGISTER CITATION	DATE
ABANDONED MINE LANDS	47 FR 28574	June 30, 1982
BACKFILLING AND GRADING-TERRACES	47 FR 18552	April 29, 1982
EXCESS SPOIL ON BENCHES	47 FR 18553	April 29, 1982
GRANTS	47 FR 38486	August 31, 1982
INSPECTION AND ENFORCEMENT	47 FR 35621	August 16, 1982
PRIME FARMLAND CUTOFF	47 FR 32939	July 30, 1982
SPECIAL BITUMINOUS COAL-WYOMING	47 FR 33424	August 2, 1982
STATE PROGRAMS	47 FR 26356	June 17, 1982
STATE WINDOW	46 FR 53376	October 28, 1981
TWO-ACRE EXEMPTION	47 FR 33424	August 2, 1982



THE BEGINNING OF A PINE PLANTATION ON RECLAIMED LAND.