

**Annual Report of the  
U.S. Department of the Interior  
Office of Surface Mining**

**Fiscal Year 1993**



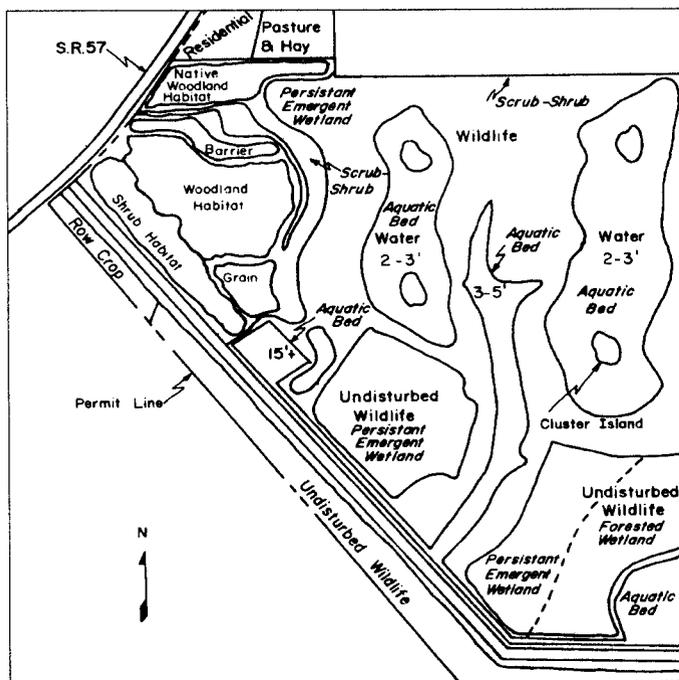
# United States Department of the Interior

Bruce Babbitt, *Secretary of the Interior*

Robert Armstrong, *Assistant Secretary for Land and Minerals Management*

## Office of Surface Mining

Anne H. Shields, *Acting Director*



(COVER PHOTO) Reclaimed mine land near Buckskin, Indiana.

Southern Indiana is losing thousands of acres of wetlands each year, part of a disturbing national trend. At the turn of the century, this mine site was wetlands. It was drained, then farmed until the mid-1950's. Before mining, seasonal floods were caused by railroad construction, a channelization project, and a blocked drainage tributary.

During the permitting process the Indiana Division of Fish and Wildlife asked the mining company to reconsider parts of its permit application to provide for wetland mitigation. Agreement was reached and a wetland mitigation plan (left) was developed prior to mining and reclamation.

Today the reclaimed mine site includes 110 acres of open water, islands, wetlands, uplands, and forest habitats. These provide transition zones that support long-term, stable wildlife populations. Low-water depths range from 6 inches to 15 feet. Water level is controlled by a permanent levee and spillway structure. This allows spring flood water to reach a design height, yet retains enough water to maintain the wetland during summer droughts.

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1993**



**United States Department of the Interior  
Office of Surface Mining Reclamation and Enforcement  
Washington, D.C. 20240  
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# 1. INTRODUCTION

This report was compiled for the President and the Congress as required by Section 706 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The report describes the operations of the Interior Department's Office of Surface Mining Reclamation and Enforcement (OSM) for the period October 1, 1992, through September 30, 1993 -- Fiscal Year 1993<sup>1</sup>. Included in this report are activities carried out under Title IV, Abandoned Mine Reclamation; Title V, Control of the Environmental Impacts of Surface Coal Mining; Title VI, Designation of Lands Unsuited for Non-coal Mining; and Title VII, Administrative and Miscellaneous Provisions.

SMCRA responsibilities of other bureaus or agencies are omitted from this report. Those responsibilities include Title III, the Mining and Mineral Resources and Research Institutes Program, which is administered by the U.S. Bureau of Mines; Titles VIII and IX, the University Coal Research Laboratories and the Energy Resource Graduate Fellowships, which are administered by the Secretary of Energy; and Section 406, the Rural Abandoned Mine Program (RAMP), which is administered by the Secretary of Agriculture. Information about those activities is reported directly to Congress by the agencies responsible for them.

This year's report format is similar to OSM's 1988-89, 1990, 1991, and 1992 annual reports, and facilitates easy comparison of data from year to year. However, one change was made to provide a statistical summary efficiently to both the Congress and the public. The report contains current data and only brief background information. It was prepared primarily for the President, the Congress, and the state regulatory authorities and is not intended for wide distribution to the general public. The condensed format and more specific focus have resulted in production cost savings and strict adherence to the standards of the Joint Committee on Printing for federal agency annual reports. The information in this report is organized to facilitate either an examination of specific elements or a review of the entire program. Each year OSM receives a number of requests for statistical information that describes SMCRA implementation (including mining, regulation, and reclamation). Beginning this year, OSM's annual report to Congress contains a national summary of the past year's statistical information compiled and published as an appendix. Although the annual report will still be printed in limited quantities and distributed mainly to Congress and those directly involved with SMCRA implementation, the statistical appendix to the Annual Report is available to the general public.

**Section 2** summarizes OSM's principal accomplishments and outlines issues the agency confronted during 1993. Although these are further described with text and statistics in the body of the report, they are presented here to give the reader both an overview and a summary of OSM's activities during the past fiscal year.

**Sections 3 through 6** describe OSM's administration of the SMCRA Regulatory and Abandoned Mine Land Programs. Statistics are provided in tabular form, and, where appropriate, graphs show current and historic levels so that trends since the beginning of the program are readily apparent.

**Section 7** cites OSM technical publications, reports, and video programs developed during 1993. This eliminates extraneous text and should aid readers who require more detailed information about OSM operations. Some of these materials are unpublished; however, machine copies are available from OSM upon request.

**Appendix** (printed under separate cover) contains statistical information in tabular form that provides a state-by-state overview of factors that are directly related to or the result of SMCRA implementation. In addition, a listing of the Office of Surface Mining and state regulatory and Abandoned Mine Land office locations is provided.

For information about OSM activities, news releases, and publications, or for additional copies of this report, contact:

Public Affairs  
Office of Surface Mining  
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1. Throughout this document, "1993" always refers to FY 1993, unless otherwise noted.

## 2. EXECUTIVE SUMMARY

1993 was a year of transition for the Office of Surface Mining. Director Harry M. Snyder resigned January 20, 1993, and Deputy Director W. Hord Tipton served as acting director through the end of the fiscal year. On November 15, Secretary of the Interior Bruce Babbitt named an interim management team for OSM and appointed Anne H. Shields acting Director. On November 19 Robert Uram's nomination to be Director of the Office of Surface Mining was announced. The appointment is subject to confirmation by the U.S. Senate.

During the early part of the year, OSM came under strong criticism from a coalition of regional environmental groups. Most of their criticism focused on regulatory enforcement policies.

Later in the year, under acting Director Hord Tipton, OSM began working more closely with citizen groups that had identified potential inspection problems on active mine sites throughout the country and were raising questions about enforcement policies. This change in direction followed the Clinton administration's commitment to "reinventing government" and reaffirmed the importance of the role public participation plays in carrying out the purposes of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This new direction for OSM resulted in many new activities. Following are brief highlights of 1993:

### **BUDGET AND FINANCIAL MANAGEMENT**

OSM's \$299,646,000 appropriation for 1993 included \$111,716,000 from the General Fund and \$187,930 from the Abandoned Mine Reclamation Fund. In 1993, state regulatory grants were funded at \$51,661,000, the highest level since the inception of the program in 1977.

Under authority of Public Law 101-233, OSM continued to invest abandoned mine land funds. At the end of the year, more than \$1.09 billion was invested, earning \$31.7 million in interest during 1993.

### **CITIZEN PARTICIPATION**

In framing SMCRA, one of the principles that guided Congress was recognition that public participation and involvement are vital to the success of a national surface coal mining regulatory program. Toward that end, Congress imposed several provisions that require and encourage active citizen involvement in the development, revision, and enforcement of regulations, standards, reclamation plans, and programs established by OSM or the primacy states. Involvement by the public helps assure that the regulatory authorities' decisions and actions are based upon full and complete information. In the latter part of 1993, work in this area begun by OSM included:

- Stressing the importance of citizen participation and input into the implementation of SMCRA to all OSM employees and state regulatory authority staff.
- Establishing a tracking system to assure that requests for informal reviews of citizen complaints are handled in a timely manner and that follow-up is accomplished systematically.
- Developing a citizen participation "how-to" document to provide guidance to citizens so they may more effectively participate in SMCRA implementation.

## **TOTAL QUALITY MANAGEMENT (TQM)**

OSM has developed a work plan that adopts the Xerox Corporation model of providing cascade training to managers and their individual work units. During 1993 OSM made major progress toward reaching its TQM goals. There are now over 90 trained facilitators who assure that OSM is not dependent upon outside consultants to continue growth of the program. Nearly all geographic locations have trained facilitators. In 1994 OSM will examine business processes that should be "reengineered" or planned for quality. Like most institutions, OSM processes up to now have been developed ad hoc, without the benefit of quality principles. OSM will continue to address internal processes to meet customer needs and establish quality controls.

## **APPLICANT/VIOLATOR SYSTEM**

The Applicant/Violator System (AVS) is designed to identify any associations between permit applicants or their affiliates and uncorrected violations of SMCRA. Such information is used by OSM and state regulators to determine whether a permit should be issued or denied. In some cases, entities have entered settlement agreements to resolve uncorrected violations so that a permit application may receive a recommendation of conditional issue. Since 1990 over 22,474 permit applications have been reviewed by AVS. To avoid blocked permits, companies have paid over \$4,493,585 in fees, penalties, and interest to resolve outstanding violation cases.

## **STATE REGULATORY PROGRAMS**

All 24 primacy states except Mississippi had active coal mining in 1993. In accordance with SMCRA, the states issued 571 permits, performed 54,075 complete and 73,720 partial inspections, and issued 8,372 notices of violations and 1,102 cessation orders. In addition, during 1993 there were 184 bond forfeitures in nine of the primacy states.

## **ABANDONED MINE LANDS**

The Abandoned Mine Reclamation Act of 1990 requires OSM to maintain an inventory of high-priority abandoned mine land and water problems. This computerized inventory, containing information on 11,300 problem areas, was completed during 1993 and is currently in use.

In 1993 OSM presented its first annual National Abandoned Mine Land Reclamation Awards. Ten award-winning projects were selected and 50 individuals responsible for the work were recognized by the acting OSM director at the September meeting of the Association of State Abandoned Mine Land Programs. These awards acknowledge the extra effort made by people doing the reclamation work and encourage the exchange and transfer of successful reclamation techniques.