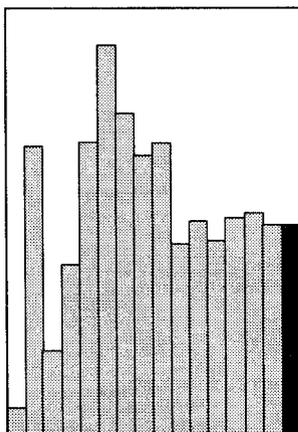


# 4. REGULATORY ENFORCEMENT

## REGULATORY DEVELOPMENT



Final Rulemaking Actions  
1978-93

SMCRA charges OSM with responsibility for publishing rules and regulations necessary to carry out the purposes of the Act. OSM's permanent regulatory program and related rules provide the fundamental mechanism for assuring that the goals of SMCRA are achieved. One of OSM's major objectives is to establish a stable regulatory program by improving the regulatory development process and obtaining a broad spectrum of viewpoints on rulemaking activities.

The 1993 rulemaking process included discussions with representatives of the coal industry, environmental groups, and state regulatory authorities to obtain their input and suggestions. During Fiscal Year 1993, OSM published eight proposed permanent program rules in the *Federal Register*: Abandoned Sites on December 18, 1992; Coal Weight Determination on December 29, 1992; Land Use Information on January 8, 1993; Regulation of Indian Lands on March 22, 1993; AVS Permit Information on June 28, 1993; Wire Transfer on August 30, 1993; Alternative Bonding Systems on September 9, 1993; and Subsidence on September 24, 1993. Also, two final permanent program rules were published during 1993. Table 4 describes final regulations published in the *Federal Register* during 1993. Each regulation is identified

with the *Federal Register* citation that gives the volume and page number, effective date, Code of Federal Regulations (CFR) number, and date of publication.

## SIGNIFICANT COURT DECISIONS

During 1993, the federal courts rendered a number of significant decisions relating to SMCRA. Those cases are described in Table 5.

## STATE PROGRAM AMENDMENTS

The federal regulations governing permanent regulatory programs were initially promulgated in 1979. The regulations were completely revised in 1981-83 to allow states and operators greater flexibility in how they achieve compliance with SMCRA. In response to extensive litigation and agency policy, these rules were further revised beginning in 1985 and continuing to the present. In 1993 OSM published 90 proposed and 58 final state program amendments in the *Federal Register*.

States have the right to propose to amend their programs at any time for appropriate reasons. In addition, whenever SMCRA or its implementing regulations are revised, OSM is required to notify the states of the changes needed to assure that state programs remain no less effective than the federal requirements. This is known as a "Part 732 notification."

The result has been the submission of a large number of complex amendments from the states. OSM has taken several steps to process those submissions more efficiently. For example, the amendment review process within OSM has been decentralized, and format and

**TABLE 4  
FINAL RULES PUBLISHED DURING 1993**

### ***Previously Mined Area***

58 FR 3466                      2/8/93                      (30 CFR Parts 701 and 785)                      Published 1/8/93

This rule amends OSM program regulations by revising the definition of "previously mined area" and by clarifying the requirements governing off-site coal preparation plants.

### ***Removal of Parts 718 and 720***

58 FR 41936                      9/7/93                      (30 CFR Parts 718, 720, and 735)                      Published 8/5/93

This rule amends OSM regulations by removing regulations on the adoption of state standards and state enforcement activities from the initial regulatory program for being redundant or unnecessary.

content guidelines for state program amendment submissions have been issued to the states. Also, steps have been taken to assure that states' schedules for rulemaking in response to Part 732 notification are reasonable to accomplish timely state program revisions.

In 1993 OSM worked toward eliminating backlogged amendments and continued to shorten the review time for state program amendments. In 1993 the average processing time was 157 days, and at the end of the period only seven pending amendments were older than six months.

## STATE REGULATORY PROGRAMS

Since May 3, 1978, all surface coal mines have been required to have permits and to comply with either OSM regulations or approved state program provisions. Currently there are 24 primacy states that administer and enforce programs for regulating surface coal mining and reclamation under SMCRA. In addition, during 1993, three states had federal programs where OSM regulated surface coal mining and reclamation. Table 6 summarizes state program statistics for the period from July 1, 1992, through June 30, 1993. (OSM's annual statistics on state and federal regulatory programs are compiled on a July-June cycle.)

### TABLE 5 1993 SIGNIFICANT COURT DECISIONS

#### **APPLICANT/VIOLATOR SYSTEM (AVS) ISSUES**

##### **SOCM v. Babbitt, No. 81-2134 (D.D.C.) (on remand from the D.C. Circuit)**

In February 1993, the Supreme Court denied SOCM's petition for certiorari of the court of appeals' May 1992 decision that the district court lacked jurisdiction to approve the parties' January 1990 settlement agreement. In July, the district court dismissed the case without prejudice. On September 28, 1993, the Secretary informed the House and Senate Appropriations Committees that OSM would not enter into a new agreement with SOCM concerning implementation of the AVS, but would instead continue to make improvements to the permit review process through rulemaking, internal directives, memorandums of understanding, etc.

#### **RULE CHALLENGES**

##### **National Wildlife Fed'n v. Babbitt, No. 91-2275 (D.D.C.) (subsidence)**

Plaintiffs challenged OSM's Federal Register Notice of Inquiry (NOI) which stated that the mining prohibitions contained in Section 522(e) of SMCRA did not apply to subsidence. On September 22, the court vacated the NOI and remanded the case to the Secretary for notice-and-comment rulemaking. The court found that the environmental plaintiffs had standing and that the NOI was a legislative rule subject to the APA notice and comment requirement.

##### **Indiana Coal Council, Inc. v. Babbitt, Nos. 91-5397, etc. (D.C. Cir.) (consolidated) (historic properties)**

In October 1992, the President signed the Reclamation Projects Authorization and Adjustments Act which amended the definition of "undertaking" in the National Historic Preservation Act to include state programs administered pursuant to delegation or approval by a federal agency. The Reclamation Projects Act mooted the Government's appeal of a district court decision in favor of environmental plaintiffs. Accordingly, in April 1993, the court of appeals granted the Government's motion to dismiss its appeal. The industry's appeal has been set for briefing.

##### **National Coal Ass'n v. Lujan, No. 91-5328 (D.C. Cir.) (individual civil penalties)**

The industry challenged OSM's 1988 regulations providing for the assessment of civil penalties against individual officers, directors, or agents of mine operators. On December 1, 1992, the court of appeal upheld the regulations, ruling that OSM is not required to provide an assessment conference or use a point system in determining the penalty amount for individual civil penalties.

#### **VALID EXISTING RIGHTS (VER)**

##### **Belville Mining Co. v. United States, Nos. 91-3623, etc. (6th Cir.) (consolidated)**

On July 26, 1993, the court of appeals held that both SMCRA and the Secretary's regulations authorize the Secretary to review and vacate erroneous determinations of VER. Plaintiffs challenged OSM's reversal of a determination that plaintiffs had VER to surface mine a tract in the Wayne National Forest in Ohio.

#### **ATTORNEY'S FEES**

##### **SOCM v. Babbitt, No. 81-2134 (D.D.C.) (on remand from the D.C. Circuit)**

In October 1992, the court of appeals vacated and remanded the district court's 1991 order awarding SOCM \$823,686 in attorneys' fees for work performed in the case from 1985 to 1990. If no settlement is reached, the district court is expected to set a briefing schedule on the issue of whether plaintiffs are eligible for a fee award notwithstanding the court of appeals' May 1992 ruling on jurisdiction.



**TABLE 6 Continued**  
**STATE PROGRAM STATISTICS**  
**1993 (July 1, 1992 - June 30, 1993)**

Montana New Mexico North Dakota Ohio Oklahoma Pennsylvania Texas Utah Virginia West Virginia Wyoming

**State Staffing (FTE's 6/30/93)**

Regulatory Program 20.9 13.75 10 72 39 307 58 23.5 95 259 35.58

AML Program 8 11.5 5.8 33 12 131 14 7 18 58 13.5

**Permits**

New Permits Issued 1 0 0 82 7 110 2 1 37 141 0

**Inspections**

Inspectable Units (6/30/93) 21 16 46 858 138 2,930 21 32 923 3,354 40

Complete Inspections 99 64 193 3,131 526 12,039 92 130 3,994 9,926 195

Partial Inspections 122 143 779 4,755 885 19,846 367 240 4,205 16,735 311

**Citations Issued**

Notices of Violations (Actions) 12 14 4 458 90 1,999 39 73 335 2,851 19

Failure-to-Abate Cessation Orders 1 0 0 67 21 138 0 4 37 383 0

Imminent Harm Cessation Orders 1 0 0 12 3 0 0 1 16 41 0

**Bonds**

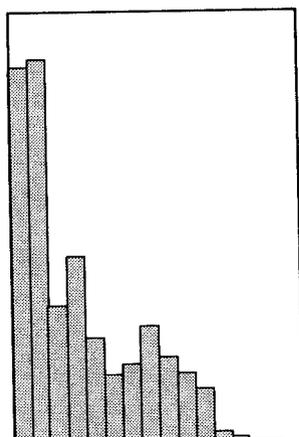
Forfeitures 0 0 0 14 4 19 0 0 12 91 0

**Abandoned Mine Lands**

Acreage Reclaimed 4.8 0 5 164 317 833.1 152 30.7 60.7 409 1,598

## GRANTS TO STATES

### PROGRAM DEVELOPMENT GRANTS



Program Development Grants 1978-93

Section 201 of SMCRA authorizes OSM to assist state regulatory authorities in developing or revising surface mining regulatory programs. In 1993 no program development grants were awarded.

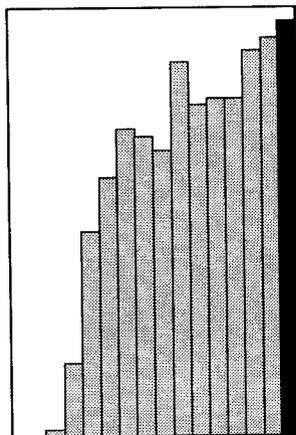
Although OSM encourages and supports state primacy in the regulation of surface coal mining and reclamation operations, certain states with coal reserves have elected not to submit or maintain regulatory programs. Thus, those states are federal program states, with surface coal mining and reclamation operations regulated by OSM. Full federal programs are in effect in eleven states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. Of the federal program states, only California, Tennessee, and Washington have active coal mining. Table 8 summarizes OSM's regulatory actions in those three states during 1993.

## FEDERAL OVERSIGHT OF STATE REGULATORY PROGRAMS

SMCRA Section 517(a) provides that OSM shall make such inspections as are necessary to evaluate the administration of approved state programs. In meeting that requirement, OSM reviews permits, conducts oversight inspections of mine sites, and undertakes oversight review on topics of concern in the 24 states with approved primacy programs. Oversight inspections are conducted on a random-sample basis and in response to citizen complaints. If OSM has reason to believe a violation of a state program exists, OSM must notify the state (except in the case of imminent danger to the public or the environment, in which case OSM must immediately inspect the site and issue a Cessation Order if the state has not taken appropriate action). OSM notifies the state of a possible violation by issuing a "Ten-Day Notice." Once notified of a possible violation, the state then has 10 days in which to take appropriate action to cause the violation to be corrected, or to show good cause for not doing so. In the relatively few instances where OSM determines that a state has not taken appropriate action or has not shown good cause, a federal inspection is conducted, and, if a violation is found, a federal Notice of Violation or Cessation Order is issued.

Since 1989, changes have been implemented in the manner in which OSM conducts oversight of state programs. Those changes include revised requirements for the field office director's report on each state program, an emphasis on oversight tailored to specific activity areas under each state program (based on perceived need or to follow up on prior problems), and the use of action plans developed jointly between field office directors and states to resolve problems when they occur. Field offices are also required to assure that data needed to assess state program in monitoring on-the-ground conditions are collected and evaluated. Table 9 summarizes OSM's oversight inspection and enforcement activities during 1993.

## REGULATORY GRANTS



Permanent Program Regulatory Grants 1978-93

Section 705 of SMCRA authorizes OSM to provide grants to states with approved regulatory programs in amounts not exceeding 50 percent of annual state program costs.

In addition, when a state elects to administer an approved program on federal lands through a cooperative agreement with OSM, the state becomes eligible for financial assistance of up to 100 percent of the amount the federal government would have expended to regulate coal mining on those lands. Table 7 shows grant amounts provided to states during 1993 to administer and enforce regulatory programs.

Table 7 shows grant amounts provided to states during 1993 to administer and enforce regulatory programs.

## FEDERAL PROGRAMS FOR STATES

Section 504(a) of SMCRA requires OSM to regulate surface coal mining and reclamation activities on non-federal and non-Indian lands in the state if:

- the state's proposal for a permanent program is not approved by the Secretary of the Interior;
- the state does not submit its own permanent regulatory program; or
- the state does not implement, enforce, or maintain its approved state program.

**TABLE 7  
REGULATORY GRANT FUNDING  
1993 OBLIGATIONS**

State	Federal Funding*	Cumulative Through 1993*
Alabama	\$991,937	\$6,345,581
Alaska	194,321	1,615,223
Arkansas	164,803	763,453
Colorado	1,270,802	7,147,362
Illinois	2,429,472	17,173,374
Indiana	1,611,393	10,808,610
Iowa	155,644	894,903
Kansas	103,337	889,491
Kentucky	13,043,352	86,729,173
Louisiana	201,347	1,089,652
Maryland	479,589	2,972,346
Mississippi	75,565	303,441
Missouri	427,979	2,749,877
Montana	850,037	5,313,028
New Mexico	735,625	3,661,645
North Dakota	517,329	3,151,443
Ohio	2,964,699	19,571,475
Oklahoma	930,782	5,830,892
Pennsylvania	10,087,400	68,786,215
Tennessee	0	(153,926)
Texas	1,140,988	6,032,561
Utah	1,468,025	8,667,754
Virginia	2,947,672	20,650,549
West Virginia	6,919,241	27,110,954
Wyoming	1,871,672	9,196,914
Crow Tribe	0	64,680
Hopi Tribe	0	298,926
Navajo Tribe	0	787,358
<b>Total</b>	<b>\$51,583,011</b>	<b>\$318,452,954</b>

\* Included obligation for AVS, TIPS, Kentucky Settlement, and other Title V cooperative agreements. Figures do not include downward adjustments of prior-year awards. However, cumulative figures are net of all prior-year downward adjustments.

# Errata

**TABLE 7  
REGULATORY GRANT FUNDING  
1993 OBLIGATIONS**

State	Federal Funding*	Cumulative Through 1993*
Alabama	\$991,937	\$16,462,417
Alaska	194,321	4,082,318
Arkansas	164,803	2,074,100
Colorado	1,270,802	12,941,557
Illinois	2,429,472	31,245,214
Indiana	1,611,393	16,673,317
Iowa	155,644	1,443,508
Kansas	103,337	1,925,671
Kentucky	13,043,352	147,017,295
Louisiana	201,347	2,013,698
Maryland	479,589	6,999,719
Michigan	0	135,458
Mississippi	75,565	432,512
Missouri	427,979	4,651,727
Montana	850,037	8,692,986
New Mexico	735,625	6,912,132
North Dakota	517,329	6,919,973
Ohio	2,964,699	41,766,563
Oklahoma	930,782	9,423,537
Pennsylvania	10,087,400	114,910,475
Rhode Island	0	158,453
Tennessee	0	5,340,085
Texas	1,140,988	9,593,045
Utah	1,468,025	14,031,455
Virginia	2,947,672	37,675,884
Washington	0	4,893
West Virginia	6,919,241	48,914,257
Wyoming	1,871,672	17,736,387
Crow Tribe	0	732,759
Hopi Tribe	0	885,611
Navajo Tribe	0	2,140,461
<b>Total</b>	<b>\$51,583,011</b>	<b>\$573,937,467</b>

\* Included obligation for AVS, TIPS, Kentucky Settlement, and other Title V cooperative agreements. Figures do not include downward adjustments of prior-year awards. However, cumulative figures are net of all prior-year downward adjustments.

# REGULATION OF SURFACE MINING ON FEDERAL AND INDIAN LANDS

## FEDERAL LANDS PROGRAMS

Section 523(a) of SMCRA requires the Secretary of the Interior to establish and implement a federal regulatory program applicable to all surface coal mining and reclamation operations taking place on federal lands. OSM promulgated the current federal lands program on February 16, 1983.

The federal lands program is important because the federal government owns significant coal reserves, primarily in the West. The development of federal coal reserves is governed by the Federal Coal Management Program of the U.S. Department of the Interior's Bureau of Land Management. Of the 234 billion tons of identified coal reserves in the western U.S., 60 percent is federally owned.

Through cooperative agreements, the administration of most surface coal mining requirements for the federal lands program may be delegated by the Secretary of the Interior to states with approved regulatory programs. By the end of 1993, the Secretary had entered into such cooperative agreements with Alabama, Colorado, Illinois,

Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

Under SMCRA, once the Secretary and the state have signed a cooperative agreement, the state regulatory authority assumes permitting, inspection, and enforcement responsibilities for surface coal mining activities on federal lands in that state. OSM maintains an oversight function to assure that the regulatory authority fully exercises its delegated responsibility under the cooperative agreement. In states without cooperative agreements, the required permitting, inspection, and enforcement activities under SMCRA are carried out by OSM. During 1993, two new permits were issued by OSM on federal lands in Kentucky.

For all states with leased federal coal, OSM prepares Mining Plan Decision Documents required by the Mineral Leasing Act, as amended, and documentation for other non-delegable authorities for approval by the Secretary. During 1993, 14 mining plan actions were prepared and approved for coal mines on federal land.

**TABLE 8  
FEDERAL REGULATORY PROGRAMS  
STATE WITH ACTIVE MINING  
1993 (July 1, 1992 - June 30, 1993)**

	Tennessee	Washington	California
<b>Permits</b>			
Existing and New Permit Applications	35	3	0
New Permits Issued	8	0	0
Permit Revisions and Renewals Issued	159	9	0
Permits Suspended or Revoked	0	0	0
Total Acres Permitted	2,424	14,872	0
<b>Inspections</b>			
Inspectable Units	496	4	4
Complete Inspections	1,921	14	15
Partial Inspections	3,355	24	30
<b>Citations Issued</b>			
Notices of Violations	207	0	2
Failure-to-Abate Cessation Orders	20	0	0
Imminent Harm Cessation Orders	4	0	1
<b>Bonds*</b>			
Final Bonds Released	22	0	1
Forfeitures Initiated	3	0	0
Bonds Collected	6	0	0
Default Sites Reclaimed	2	0	0
<b>Designation of Lands Unsuitable for Mining</b>			
Petitions Received	0	0	0

\*Permanent Program Sites only.

## INDIAN LANDS PROGRAM

Pursuant to Section 710 of SMCRA, OSM regulates coal mining and reclamation on Indian lands. In the Southwest, three mines on the Navajo and Hopi reservations and a portion of a coal haul road on the Ute Mountain Ute reservation are permitted under the permanent Indian Lands Program, and one mine is operating under an interim permit. In addition, OSM, in cooperation with the Bureau of Indian Affairs (BIA) and the Navajo Nation, is overseeing the final reclamation of three mines on the Navajo reservation regulated under the interim program.

On the Crow Ceded Area in Montana, OSM and the Montana Department of State Lands continue to administer applicable surface mining requirements pursuant to a Memorandum of Understanding that includes both

permitting and inspection functions. Table 10 provides statistics on regulatory activities on Indian lands during 1993.

## HEARINGS AND APPEALS

SMCRA requires the Secretary of the Interior to provide administrative review of OSM actions, including the opportunity for hearings governed by the Administrative Procedure Act. The Secretary has delegated this administrative review function to the Department's Office of Hearings and Appeals (OHA), which is not part of OSM but which handles the administrative review responsibilities of the Department of the Interior.

OHA consists of a Hearings Division -- staffed by administrative law judges who hold hearings under the Admin-

**TABLE 9**  
**FEDERAL OVERSIGHT OF STATE PROGRAMS**  
**1993 (July 1, 1992 - June 30, 1993)**

State	Number of OSM Inspections		Violations Cited in OSM Enforcement Actions		
	Random	Other*	NOV's**	FTACO's***	IHCO's****
Alabama	160	32	0	0	0
Alaska	5	3	0	0	0
Arkansas	16	7	0	0	0
Colorado	25	7	2	1	0
Illinois	54	28	0	0	0
Indiana	160	14	1	2	0
Iowa	14	12	0	0	0
Kansas	14	4	1	0	0
Kentucky	430	1,180	50	5	4
Louisiana	2	1	0	0	0
Maryland	56	32	1	1	0
Missouri	58	19	0	0	0
Montana	8	4	0	0	0
New Mexico	7	0	0	0	0
North Dakota	10	5	0	0	0
Ohio	260	40	0	0	1
Oklahoma	59	64	3	1	2
Pennsylvania	348	344	8	7	0
Texas	14	6	1	0	0
Utah	15	3	1	0	0
Virginia	274	195	5	1	0
West Virginia	343	350	28	7	0
Wyoming	17	8	1	0	1

\*Excludes exploration sites

\*\* Notices of Violation

\*\*\* Failure-To-Abate Cessation Orders

\*\*\*\* Imminent Harm Cessation Orders

istrative Procedure Act -- and several appeals boards established to review appeals arising from decisions of certain program bureaus within the Department of the Interior. The appellate functions of the Secretary under SMCRA have been delegated to the Interior Board of Land Appeals (IBLA). Under SMCRA, a person adversely affected by a written decision of the Director of OSM, or by a delegate of the Director, may appeal directly to IBLA if the decision specifically grants the right to appeal. Administrative review under SMCRA presented the administrative law judges and IBLA with a variety of issues for resolution. In 1993, IBLA issued decisions in nine SMCRA cases.

anthracite region has produced a legacy of abandoned mine land problems. However, because most current mining operations affect previously disturbed land through remining, a large percentage of abandoned mine land is eventually restored to productive use.

The anthracite mining industry produces around 4.9 million net tons per year, approximately 7.0 percent of Pennsylvania's annual coal production. The Pennsylvania anthracite program currently covers 425 inspectable units permitting close to 100,000 acres, and includes 111 underground mines, 16 preparation plants, 7 refuse disposal sites, 128 reprocessing operations, and 163 surface mines. About one-half of anthracite coal production continues to be from the reprocessing of anthracite culm (waste) banks which help fuel eight cogeneration plants. Anthracite operators mined approximately 2.4 million tons from culm banks, 2.1 million from surface mines, and 0.4 million tons from underground mines.

Pennsylvania's Department of Environmental Resources continues to carry out the provisions of the anthracite program successfully. The District Mining Office in Pottsville received a high rating from local citizens for quickly and efficiently responding to mining complaints. At the same time, state inspectors achieved almost 100 percent of their required complete inspections. When major violations occur, they are consistently cited, with over 80 percent of the mines in compliance with performance standards. The permitting staff processed a backlog of over 100 permit renewals and almost all anthracite permits are now permanent program permits. The Pottsville mining office also is developing a program for remining permits to deal with abandoned mine discharges.

## PENNSYLVANIA ANTHRACITE REGULATORY PROGRAM

Section 529 of SMCRA provides an exemption from federal performance standards for anthracite coal mining operations, provided the state law governing those operations was in effect on August 3, 1977. Pennsylvania is the only state with an established regulatory program qualifying for the exemption; thus, Pennsylvania regulates anthracite mining independent of SMCRA permanent program standards.

The Pennsylvania anthracite coal region is located in the northeast quarter of the state and covers approximately 3,300 square miles. The more than 20 different coal beds vary in thickness from a few inches to 50 or 60 feet. The anthracite region is characterized by steeply pitching seams, some with dips steeper than 60 degrees. Such strata require highly specialized mining techniques and present unique challenges to assure that highwalls are eliminated and the area is restored to productive post-mining land use. The long history of mining in the

**TABLE 10  
REGULATORY ACTIVITIES ON INDIAN LANDS  
1993**

	Number
<b>Indian Lands in Arizona and New Mexico</b>	
Total Permits	5
Total Acres Permitted	84,254
Permitting Actions	70
Inspectable units (All lands)	10
Total Inspections (Partial and Complete)	91
Enforcement Actions (Notices of Violation issued)	0
<b>Indian Lands in Montana</b>	
Total Permits	1
Total Acres Permitted	3,225
Permitting Actions	5
Inspectable Units (All lands)	1
Total Inspections (Partial and Complete)	16
Enforcement Actions (Notices of Violation issued)	0

## **EXCELLENCE IN SURFACE COAL MINING AND RECLAMATION AWARDS PROGRAM**

To give well-earned public recognition to the people responsible for the nation's most outstanding achievements in environmentally sound Title V mining and land reclamation, OSM initiated an annual awards program in 1986. The program enables state and federal regulators to recognize America's top-quality coal mine operators who implement SMCRA in an exemplary manner. The winners are operators who have developed innovative reclamation techniques or who have completed mining and reclamation operation that resulted in outstanding on-the-ground performance. The 1992 awards presented June 18, 1993, at the National Coal Association annual meeting were:

### **THE DIRECTOR'S AWARD**

- Each year the Director's Award recognizes outstanding achievement in a special area of reclamation. The 1992 Director's Award was presented to the **R & F Coal Company** for exemplary reclamation resulting in pasture or grazing post-mining land use at its Hart Mine, near Newcomerstown, Ohio.

### **NATIONAL AWARDS**

- **Arch of Illinois** for innovative restoration of Pipestone Creek at the Denmark Mine near Percy, Illinois;
- **Bellaire Corporation** for innovative reclamation of "wooded draws" at its Indian Head Mine near Zap, North Dakota;
- **Catenary Coal Company** for exemplary reclamation of pre-existing underground mine refuse at the Maggard's Branch site near Benham, Kentucky;
- **Charolais Coal Corp.** for outstanding reclamation of pre-1977 abandoned mine land at its mine site in Hopkins County, Kentucky;
- **Consolidation Coal** for exemplary reclamation at its Mahoning Valley Mine near Fairpoint, Ohio;
- **Coteau Properties Company** for exemplary reclamation achieved under arid Western conditions at its Freedom Mine near Beulah, North Dakota;
- **Leeco, Inc.**, for innovative design and operation of a preparation plant and refuse disposal area at its operation near Jeff, Kentucky;

- **Lower Colorado River Authority and the Powell Bend Mining Company** for outstanding reclamation by a small mine operator at the Powell Bend Mine near Bastrop, Texas;
- **Mingo Logan Coal Company** for innovative design of a preparation plant at its Black Bear Preparation Plant near Gilbert, West Virginia; and
- **Western Energy Company, Rose Bud Mine**, for innovative reclamation and exemplary preservation of cultural and historic sites in Colstrip, Montana.