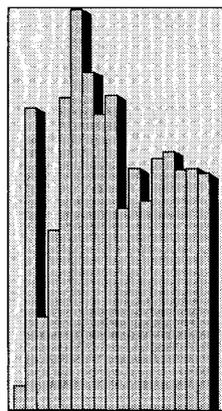


REGULATORY ENFORCEMENT

SHARED ENVIRONMENTAL PROTECTION

Under the Surface Mining Control and Reclamation Act (SMCRA), the Office of Surface Mining is responsible for publishing the rules and regulations necessary to carry out the Act. The permanent regulatory program and related rules provide the fundamental mechanism for ensuring that SMCRA's goals are achieved. A major objective is to establish a stable regulatory program by improving the regulation development process and obtaining a broad spectrum of viewpoints on rulemaking activities.

Rulemaking and State Program Amendments



Final Rulemaking Actions
1978-1994

The 1994 rulemaking process included discussions with representatives of the coal industry, environmental groups, and state regulatory authorities to obtain their input and suggestions. During the year, the Office of Surface Mining published five proposed permanent program rules in the *Federal Register*: Definition of Coal on October 7, 1993; AML Grant Procedures on November 8, 1993; Coal Formation Outcrop Fires on December 27, 1993; Coal Remining on June 2, 1994; and Arizona Federal Program on August 10, 1994. Also, four final permanent program rules were pub-

lished during 1994. Table 3 describes final regulations published in the *Federal Register* during 1994. Each regulation includes a *Federal Register* citation that gives the volume and page number, effective date, Code of Federal Regulations (CFR) number, and date of publication.

Subject to Office of Surface Mining approval, states have the right to amend their programs at any time for appropriate reasons. In addition, whenever SMCRA or its implementing regulations are revised, the Office of Surface Mining is required to notify the states of the changes needed to make sure that state programs continue to meet federal requirements. As a result, the states have submitted a large number of complex amendments. The Office of Surface Mining has taken several steps to process states' submissions more efficiently. For example, the amendment review process within the Office of Surface Mining has been decentralized, and format and content guidelines for state program amendment submissions have been issued to the states.

Also, steps have been taken to make sure that states' schedules for rulemaking in response to CFR Part 732 notification can be accomplished in a reasonably timely manner. In 1994, the Office of Surface Mining published 82 proposed and 51 final state program amendments in the *Federal Register*.

State Programs

Since May 3, 1978, all surface coal mines have been required to have permits and to comply with either Office of Surface Mining regulations or approved state program provisions (primacy). Currently, there are 24 primacy states that administer and enforce programs for regulating surface coal mining and reclamation under SMCRA.

TABLE 3
FINAL RULES PUBLISHED DURING 1994

Wire Transfer	59 FR 14476	4/27/94	30 CFR Part 870	Published 3/28/94
This rule lowers the threshold for requiring the payment of Abandoned Mine Land Fees by electronic transfer from \$100,000 to \$25,000.				
Abandoned Mine Land Reauthorization Implementation	59 FR 28136	6/30/94	30 CFR Parts 795, 870, 874, 875, 876, and 886	Published 5/31/94
As a result of the Abandoned Mine Reclamation Act of 1990, the regulations found at 30 CFR Subchapter R -- Abandoned Mine Land Reclamation -- required revision and amendment in order to reflect and implement the provisions contained in the statute. Those provisions address the eligibility of both coal and non-coal reclamation projects and also relate to the collection and allocation of Abandoned Mine Land Fees to eligible reclamation projects, including the Rural Abandoned Mine Program and the Small Operator Assistance Program.				
Land Use Information (formerly Paperwork Reduction Rule)	59 FR 29732	6/27/94	30 CFR Parts 779, 780, 783, and 784	Published 5/27/94
This rule deletes and restructures sections of the regulations to reduce the burden of collecting excessive amounts of information.				
Regulation of Indian Lands	59 FR 43414	9/22/94	30 CFR Parts 710, 715, 716, and 750	Published 8/23/94
This rule removes the current initial program regulations for Indian lands and revises the existing initial program regulations for non-Indian lands to apply to Indian lands. These amendments enable operators on Indian lands initial program sites, in appropriate circumstances, to reclaim to the latest technical and environmental standards of the permanent program.				

TABLE 4
1994 SIGNIFICANT COURT DECISIONS

TAKINGS***M & J Coal Co. v. United States, No. 92-266L (Fed. Cl.)***

In January 1994, the U.S. Court of Federal Claims ruled favorably for the Government in this takings claim. In April 1992, plaintiffs filed a complaint asserting that the Office of Surface Mining's enforcement action requiring them to leave additional coal in place to protect surface structures and single private dwellings from subsidence effected a taking of their property. They sought \$2,365,881 plus interest. The court observed that the plaintiffs had acquired their interest subsequent to the passage of SMCRA and that the bundle of rights the plaintiffs purchased was subject to the limitations of SMCRA. Accordingly, the court ruled that the Office of Surface Mining's enforcement actions did not constitute a regulatory taking.

Whitney Benefits, Inc. v. United States, No. 94-5129 (Fed. Cir.)

In February 1994, the Court of Federal Claims issued a decision awarding Whitney Benefits compound, rather than simple, interest in this taking case. The decision brings the total the Government owes in this case to \$300 million. The Government has appealed the decision. The award is based on the Federal Circuit's 1991 affirmation of the Claims Court's decision that SMCRA's prohibition of surface mining on alluvial valley floors constituted a taking of Whitney's mineral interest.

CITIZEN'S COMPLAINTS***Coal-Mac, Inc. v. Babbitt, No. 93-117 (E.D. Ky.)***

In October 1994, the court held that the time limits established in the regulations for appealing an Office of Surface Mining decision to the Interior Board of Land Appeals (IBLA) are jurisdictional, and the Office of Surface Mining may not extend those time limits by retransmitting the decision to a citizen complaint.

OFFICE OF SURFACE MINING'S ENFORCEMENT AUTHORITY***Southern Ohio Coal Co. v. Office of Surface Mining Reclamation and Enforcement, No. 94-98 (S. Ct.)***

In October 1994, the Supreme Court denied SOCCO's petition for certiorari of the Sixth Circuit's April 1994 decision in this case. The Sixth Circuit reversed the district court's order enjoining the Office of Surface Mining and the Environmental Protection Agency from taking enforcement action against SOCCO to prevent the company from pumping untreated toxic mine water into tributaries of the Ohio River. The Sixth Circuit specifically found as to the Office of Surface Mining that the district court lacked jurisdiction to review the Office of Surface Mining's enforcement actions because SOCCO had not availed itself of administrative relief available under SMCRA. The court also concluded that the fact that a state has primacy is irrelevant to the Office of Surface Mining's enforcement duties.

RULE CHALLENGES***National Coal Ass'n v. Babbitt, Nos. 87-2076, etc. (D.D.C.)(consolidated)(ten-day notice)***

In September 1994, the district court upheld the Office of Surface Mining's 1988 ten-day notice regulation, finding that the Office of Surface Mining had independent enforcement authority to issue Notices of Violation (NOV's) in primacy states. The court also upheld the regulation against National Wildlife Federation's challenges to the Office of Surface Mining's definitions of "appropriate action" and "good cause," and to the informal review procedures under which states can seek review of the Office of Surface Mining's initial decision regarding whether a state acted appropriately in response to a ten-day notice.

Pittsburg & Midway Coal Co. v. Babbitt, No. 90-073-JC (D.N.M.)***New Mexico v. Lujan, No. 89-758-M Civil (D.N.M.)(Indian lands)***

In September 1994, the district court, in *Pittsburg & Midway* upheld the Secretary's determination that "Indian lands" include lands for which an Indian tribe owns the surface fee for regulatory jurisdiction under SMCRA. In February 1994, another judge in the same district in *New Mexico v. Lujan* similarly found on the issue.

Shared Commitment

An effective relationship between the Office of Surface Mining and the states is fundamental to the successful implementation of SMCRA. In 1994, this shared federal-state commitment to carry out the requirements of SMCRA began by clarifying roles and developing a set of principles that will form the basis for a better working relationship.

Oversight of State Programs

SMCRA Section 517(a) requires the Office of Surface Mining to make inspections as necessary to evaluate the administration of approved state programs. To meet this requirement, the Office of Surface Mining reviews permits, conducts oversight inspections of mine sites, and undertakes oversight review on topics of concern in the 24 states with approved primacy programs.

Until July 1994 oversight inspections were conducted only on a random-sample basis and in response to citizen complaints. If there is reason to believe a state program violation exists, the Office of Surface Mining must notify the state (except in the case of imminent danger to the public or the environment, in which case the Office of Surface Mining must immediately inspect the site and issue a Cessation Order if the state has not taken appropriate action). The Office of Surface Mining notifies the state of a possible violation by issuing a Ten-Day Notice. Once notified of a possible violation, the state has ten days in which to correct the violation or show good cause for not doing so. In the relatively few instances where the Office of Surface Mining determines that a state has not taken appropriate action or has not shown good cause, a

federal inspection is conducted. If a violation is found, a federal Notice of Violation or a Cessation Order is issued. Table 7 summarizes the Office of Surface Mining's oversight inspection and enforcement activities during 1994.

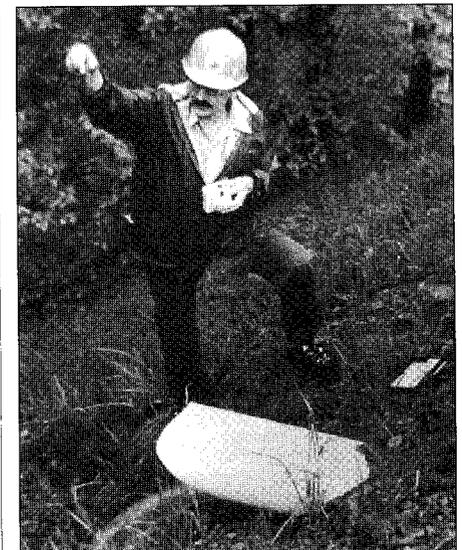
New Oversight Plan

The interim state performance evaluation process is another accomplishment of 1994. A draft plan, currently being reviewed, builds on a results-oriented policy, focusing on solving problems rather than collecting data. This new policy moves toward emphasizing on-the-ground results and away from processes that bear no direct relationship to those results. Field office directors were authorized to direct resources where there are known problems and given the flexibility to depart from using only random inspections.

Federal Programs

Section 504(a) of SMCRA requires the Office of Surface Mining to regulate

As part of the inspection of mining and reclamation operations under SMCRA, federal and state inspectors take samples of water discharged from sedimentation ponds. Point source effluent limitations established by EPA must be met. Here, an Office of Surface Mining inspector is collecting water samples during an early spring rainstorm when excessive siltation would occur if the operator had not designed and constructed an adequate drainage system.



surface coal mining and reclamation activities on non-federal and non-Indian lands in the state if:

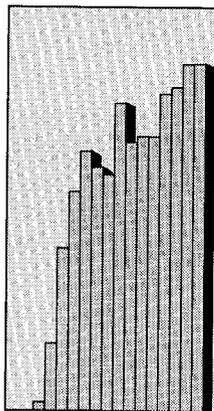
- the state's proposal for a permanent program has not been approved by the Secretary of the Interior;
- the state does not submit its own permanent regulation program; or
- the state does not implement, enforce, or maintain its approved state program.

Although the Office of Surface Mining 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. Those states are called federal program states, and their surface coal mining and reclamation operations are regulated by the Office of Surface Mining. 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 Tennessee and Washington had active coal mining in 1994. Table 5 includes the Office of Surface Mining's regulatory actions in those two states during 1994.

Grants to States

Section 201 of SMCRA authorizes the Office of Surface Mining to help state regulatory authorities develop or revise surface mining regulatory programs. In 1994, no program development grants were awarded.



Permanent Program Regulatory Grants 1978-1994

Section 705 of SMCRA authorizes the Office of Surface Mining 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 land through a cooperative agreement with the Office of Surface Mining, the state becomes eligible for financial assistance of up to 100 percent of the amount the federal government would have spent to regulate coal mining on those lands. Table 6 shows grant amounts provided to states during 1994 to administer and enforce regulatory programs.

Regulation of Surface Mining on Federal and Indian Lands

Section 523(a) of SMCRA requires the Secretary of the Interior to establish and implement a federal regulatory program that applies to all surface coal mining and reclamation operations that take place on federal land. The Office of Surface Mining enacted 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 Department of the Interior's Bureau

**TABLE 5
REGULATORY PROGRAM STATISTICS
1993 (July 1, 1993 - June 30, 1994)**

	Alabama	Alaska	Arkansas	Colorado	Crow Tribe**	Georgia*	Hopi Tribe**	Illinois	Indiana	Iowa	Kansas	Kentucky	Kentucky*	Louisiana	Maryland	Missouri
Regulatory Program Staffing (FTE's 6/30/94)	34	4	6.9	26	NA	NA	NA	64	65	4	4	508	NA	4	13	15
Abandoned Mine Land Program Staffing (FTE's 6/30/94)	20.5	4	6.5	13	7.5	NA	2	36	26	5	12.1	52	NA	.4	5	11.5
New Permits Issued	21	0	0	1	0	0	2	11	12	0	1	142	7	0	0	1
New Acreage Permitted	5,054	0	0	248	0	0	0	2,776	8,971	0	756	71,300	1,648	0	0	392
Total Acreage Permitted	95,600	4,218	1,900	158,766	4,654	306	62,760	120,367	233,700	8,700	11,610	1,581,400	26,000	45,200	7,200	46,400
Inspectable Units (6/30/94)	264	6	14	46	1	0	0	160	166	24	23	3,071	29	2	72	66
Complete Inspections	3,470	19	129	236	4	58	7	441	1,543	112	92	14,971	226	8	482	286
Partial Inspections	628	34	253	499	26	16	22	991	3,094	224	184	18,165	334	16	740	613
Notices of Violations (Actions)	391	2	4	63	2	0	10	50	268	31	6	1,599	12	3	41	60
Notices of Violations (Violations)	521	2	6	63	2	0	11	50	358	31	7	3,134	13	6	41	60
Failure-to-Abate Cessation Orders (Actions)	100	0	0	5	0	0	0	0	35	0	6	190	3	0	3	7
Failure-to-Abate Cessation Orders (Violations)	102	0	0	5	0	0	0	0	56	0	7	190	4	0	3	7
Imminent Harm Cessation Orders (Actions)	13	0	0	0	0	0	0	0	2	0	0	29	0	0	0	0
Imminent Harm Cessation Orders (Violations)	13	0	0	0	0	0	0	0	4	0	0	29	0	0	0	0
Bond Forfeitures	4	0	0	8	0	0	0	1	0	0	0	45	0	0	1	0
Acreage of Phase III Bond Release	5,127	0	49	3	0	0	0	683	2,591	0	0	17,079	269	0	390	5

*Federal Lands Program
**Indian Lands Regulatory Program
NA - Information not available

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 of the federal lands program may be delegated by the Secretary of the Interior to states with approved regulatory programs. By the end of 1994, the Secretary had entered into such cooperative agreements with Alabama, Colorado, Illinois, Montana,

The reclaimed Indiana mine site shown below contains 110 acres of open water, islands, wetlands, uplands, and forest habitats. The "wetland islands" seen here were constructed to maximize transition zones for wildlife. The islands are heavily vegetated with grasses and legumes. This reclaimed mine is now a regional wetland attraction.



**TABLE 6
REGULATORY GRANT FUNDING
1994 OBLIGATIONS**

State	Federal Funding* 1994	1993	Cumulative Through 1994*
Alabama	\$ 1,197,778	\$ 991,937	\$ 17,624,681
Alaska	196,428	194,321	4,251,379
Arkansas	164,247	164,803	2,236,415
Colorado	1,469,791	1,270,802	14,398,457
Illinois	2,362,417	2,429,472	33,546,570
Indiana	1,757,834	1,611,393	18,128,407
Iowa	156,468	155,644	1,592,220
Kansas	116,069	103,337	2,015,593
Kentucky	12,344,711	13,043,352	158,389,894
Louisiana	209,830	201,347	2,189,567
Maryland	443,864	479,589	7,443,583
Michigan	0	0	135,458
Mississippi	43,191	75,565	475,702
Missouri	406,255	427,979	5,039,284
Montana	840,038	850,037	9,533,024
New Mexico	681,718	735,625	7,579,218
North Dakota	513,631	517,329	7,433,604
Ohio	2,494,927	2,964,699	44,261,490
Oklahoma	843,848	930,782	10,205,502
Pennsylvania	10,515,900	10,087,400	125,412,483
Rhode Island	0	0	158,453
Tennessee	0	0	5,340,085
Texas	1,189,061	1,140,988	10,782,106
Utah	1,298,203	1,468,025	15,329,658
Virginia	3,155,354	2,947,672	40,688,537
Washington	0	0	4,893
West Virginia	7,428,970	6,919,241	56,121,175
Wyoming	1,518,455	1,871,672	19,247,783
Crow Tribe	0	0	732,759
Hopi Tribe	0	0	885,450
Navajo Tribe	0	0	2,140,461
Total	\$51,348,988	\$51,583,011	\$623,323,891
Budget Amount	\$51,661,000	\$51,661,000	\$609,578,000

*Includes obligations 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.

**TABLE 5 (continued)
REGULATORY PROGRAM STATISTICS
1993 (July 1, 1993 - June 30, 1994)**

	Montana	Navajo Tribe**	New Mexico	North Dakota	Ohio	Oklahoma	Pennsylvania	Tennessee	Texas	Utah	Ute Tribe**	Virginia	Washington	West Virginia	West Virginia*	Wyoming
Regulatory Program Staffing (FTE's 6/30/94)	20.9	NA	13.8	7.7	68	37	307	94	56	23.5	NA	93	NA	256	NA	33
Abandoned Mine Land Program Staffing (FTE's 6/30/94)	10	15	11.5	5.8	38	12	114	NA	14	9	NA	18	NA	55	NA	15.5
New Permits Issued	1	2	0	0	99	0	167	5	1	0	1	24	NA	111	1	0
New Acreage Permitted	105	0	0	0	12,871	0	5,324	422	11,309	0	0	2,907	0	12,168	20	0
Total Acreage Permitted	60,740	32,225	58,973	60,440	152,000	412	502,500	23,500	176,200	132,273	145	60,100	14,616	2,724,000	20	276,800
Inspectable units (6/30/94)	14	6	14	32	542	63	2,120	169	21	25	0	450	4	2,640	1	39
Complete Inspections	96	19	64	175	3,140	447	11,316	2,012	90	133	3	3,744	NA	11,473	3	159
Partial Inspections	127	49	149	880	4,747	754	19,333	3,419	339	252	9	4,117	NA	18,108	10	428
Notices of Violations (Actions)	27	11	7	5	420	88	1,583	214	28	48	0	403	1	3,122	2	23
Notices of Violations (Violations)	27	27	8	5	420	116	1,728	306	28	78	0	659	1	3,122	2	23
Failure-to-Abate Cessation Orders (Actions)	0	1	0	0	52	49	223	28	0	3	0	20	0	335	0	0
Failure-to-Abate Cessation Orders (Violations)	0	1	0	0	52	67	275	56	0	3	0	24	0	335	0	0
Imminent Harm Cessation Orders (Actions)	1	0	0	0	13	0	4	0	0	0	0	8	0	43	0	3
Imminent Harm Cessation Orders (Violations)	1	0	0	0	13	0	6	0	0	0	0	8	0	43	0	3
Bond Forfeitures	0	0	0	0	18	5	76	3	0	0	0	3	0	94	0	0
Acreage of Phase III Bond Release	0	0	0	0	8,124	1,446	16,123	1,446	825	0	0	2,896	0	7,341	0	0

Office of Surface Mining

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

Under SMCRA, once the Secretary and a 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. The Office of Surface Mining maintains an oversight function to ensure 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 the Office of Surface Mining. During 1994, eight new permits were issued by the Office of Surface Mining on federal lands in Kentucky and West Virginia.

For states with leased federal coal, the Office of Surface Mining prepares the 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 1994, ten mining plan actions were prepared and approved for coal mines on federal land.

Pursuant to Section 710 of SMCRA, the Office of Surface Mining 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, the Office of Surface Mining, in cooperation with the Bureau of Indian Affairs 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, the Office of Surface Mining, and the

Montana Department of State Lands continue to administer applicable surface mining requirements under a Memorandum of Understanding that includes both permitting and inspection functions. Table 5 includes statistics on regulatory activity on Indian lands during 1994.

Applicant Violator System

Section 510(c) of SMCRA and corresponding regulations (30 CFR 773) prohibit the issuance of permits to applicants with previous uncorrected violations and to applicants related to violators through ownership and control. The Applicant Violator System (AVS), a computer data base, was developed to assist the Office of Surface Mining and the state regulatory authorities to ensure compliance with those requirements. The Applicant Violator System identifies associations between permit applicants or their affiliates and uncorrected violations of SMCRA. The Office of Surface Mining and the states use the information to

help determine whether a permit should be issued. During 1994, the Applicant Violator System provided recommendations on 7,333 permit applications. The overall system reliability rate was over 89 percent on those applications. In 1994, as a result of "Deny" recommendations, or the potential for such a recommendation, the Office of Surface Mining's Division of Debt Management collected \$2,409,359 in Abandoned Mine Reclamation fees and audit debt.

Pennsylvania Anthracite 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; for this reason, Pennsylvania regulates anthracite mining independent of SMCRA permanent program standards.

**TABLE 7
FEDERAL OVERSIGHT OF STATE PROGRAMS
1994 (July 1, 1993 - June 30, 1994)**

State	Number of OSM Inspections		Notice of Violation		Violations Cited in OSM Enforcement		Imminent Harm	
	Random	Other	Actions	Violations	Failure-To-Abate Actions	Cessation Orders	Actions	Cessation Orders
Alabama	157	63	0	0	0	0	0	0
Alaska	5	1	0	0	0	0	0	0
Arkansas	11	12	0	0	0	0	0	0
Colorado	20	11	4	4	1	1	1	1
Illinois	54	25	2	4	0	0	0	0
Indiana	138	4	1	1	1	1	0	0
Iowa	14	4	0	0	0	0	0	0
Kansas	12	0	0	0	0	0	0	0
Kentucky	430	638	14	23	3	13	8	8
Louisiana	2	0	0	0	0	0	0	0
Maryland	56	21	2	2	2	2	0	0
Missouri	48	20	0	0	0	0	0	0
Montana	8	4	0	0	0	0	0	0
New Mexico	7	0	0	0	0	0	0	0
North Dakota	16	13	0	0	0	0	0	0
Ohio	178	84	0	0	0	0	2	2
Oklahoma	44	63	4	4	5	5	0	0
Pennsylvania	273	400	38	38	7	7	0	0
Texas	12	1	0	0	0	0	0	0
Utah	15	2	3	4	2	2	0	0
Virginia	261	119	10	10	3	4	1	1
West Virginia	172	446	36	37	13	13	0	0
Wyoming	17	1	0	0	0	0	0	0
Total	1,950	1,932	114	127	37	48	12	12

Pennsylvania's anthracite coal region, located in the northeast quarter of the state, covers approximately 3,300 square miles. The anthracite mining industry produces around 5.1 million net tons per year, approximately 8 percent of Pennsylvania's annual coal production. The program currently covers 405 inspectable units, permitting close to 101,000 acres, and includes 108 underground mines, 17 preparation plants, 3 refuse disposal sites, 125 reprocessing operations, and 152 surface mines. More than half of Pennsylvania's anthracite coal production continues to be from reprocessing anthracite culm (waste) banks that help fuel eight cogeneration electric plants. In 1994, anthracite operators mined approximately 2.9 million tons from culm banks, 1.7 million tons from surface mines, and 0.5 million tons from underground mines.

Technical Assistance

The Office of Surface Mining provides technical assistance to the states, tribes, and the industry to improve the effectiveness of the regulatory process. Although it deals mainly with regulatory functions, technical assistance also supports the Abandoned Mine Land program. Technology transfer seminars that were held in 1994 hold great promise for improving the quality of reclamation.

Technical Information Processing System (TIPS)

The Technical Information Processing System (TIPS) is a computer system designed by the Office of Surface Mining in close cooperation with the states. TIPS is used by state regulatory authorities and the Office of Surface Mining to carry out the technical regulatory and abandoned mine land responsibilities of SMCRA. The

Reclamation of this 200-acre steep-slope contour mine in Eastern Kentucky exemplifies the intent of the Surface Mining Law. With proper planning and effective site management, both economical mining and successful reclamation can be achieved.

system consists of a centrally-located super minicomputer networked through the Office of Surface Mining wide area network with engineering/scientific work stations in state, tribe, and selected federal offices. TIPS aids the technical decision-making associated with conducting reviews of permits, performing cumulative hydrologic impact assessments, quantifying potential effects of coal mining, quantifying revegetation success, assisting in the design of abandoned mine lands projects, and preparing environmental assessments and environmental impact statements. In addition to increasing efficiency, a study by the U.S. Geological Survey has shown that TIPS significantly

reduces costs associated with the permit review process.

Training

During 1994, nationwide training continued for federal, state, tribe, and private surface coal mining regulatory and reclamation personnel. The 18 courses offered in 1994 included Administration of Reclamation Projects, Basic Inspection Workbook, Bonding Workshop: Administrative and Legal, Bonding Workshop: Cost-estimating, Enforcement Procedures, Engineering Principles for Program Personnel, Evidence Preparation and Testimony, Historical and Archeological Resources, Instructor Training Course, NEPA Procedures, Permitting-



Hydrology, Principles of Inspection, Soil Erosion and Sediment Control, Soils and Revegetation, Spoil Handling and Disposal Practices, Surface and Ground Water Hydrology, Technical Writing, and Underground Mining Technology.

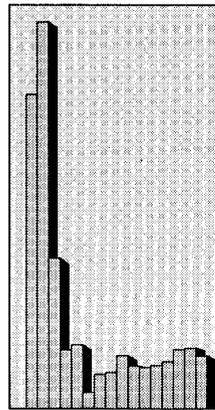
During 1994, 897 participants attended the 48 training sessions offered. State and tribal personnel totaled 77 percent of program attendance, while federal and private attendance decreased to 23 percent.

Training of state and federal personnel is identified as a priority item in the new strategic plan, and beginning in 1994 a consolidation of technical training was completed.

This old sediment pond was reclaimed into an artificial wetland. Spillway material was removed to the level of impounded sediment, then heavy stone riprap was placed on the water control section to eliminate sedimentation downstream.



Small Operator Assistance Program (SOAP)



SOAP Grant Obligations 1978-1994

Section 401(b)(1) of SMCRA authorizes that up to 10 percent of the fees collected for the Abandoned Mine Reclamation Fund can be used to help qualified small mine operators obtain technical data needed for permit applications. Through 1991, operators who produced fewer than 100,000 tons of coal per year were eligible for assistance. Beginning with Fiscal Year 1992, the Abandoned Mine Reclamation Act of 1990 increased from 100,000 to 300,000 tons the production limit that defined whether small operators qualify for assistance.

The Energy Policy Act of 1992 (Public Law 102-486) added a number of

enhancements to the technical permitting services provided under SOAP. These include engineering analyses and designs necessary for the hydrologic impact "determination," cross-section maps and plans, geologic drilling, archaeological and historical information and plans, information and plans required for protection of fish and wildlife habitat and other environmental values, and pre-blast surveys.

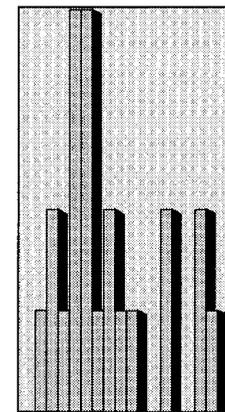
**TABLE 8
SMALL-MINE OPERATOR ASSISTANCE
1993 GRANT AWARDS***

State	Grant 1994	Amount 1993
Kentucky	\$ 310,000	\$ 500,000
Maryland	50,000	50,000
Ohio	314,500	264,000
Oklahoma	0	10,000
Pennsylvania	1,200,000	1,400,000
Virginia	0	10,000
West Virginia	153,785	140,000
Total	\$2,028,285	\$2,374,000

*These figures do not include downward adjustments of prior-year awards.

Regulations for SOAP place responsibility with the states that have approved permanent programs. In states with federal programs, the Office of Surface Mining operates SOAP. In 1994, 129 small mine operators received assistance, an increase from 119 operators in 1993. Table 8 provides a breakdown of SOAP grant awards by state during 1994.

Experimental Practices



Experimental Practices Started 1978-1994

Section 711 of SMCRA allows alternative, or experimental, mining and reclamation practices that do not comply with sections 515 and 516 performance standards as a way of encouraging advances in mining technol-

This Wyoming mine, one of the largest in the country, produces over 6 million tons of coal each year. The coal is transported by conveyor to an adjacent 2,000 megawatt power plant. As seen here, the overburden above the coal is up to 200 feet thick.

ogy or to allow innovative industrial, commercial, residential, or public post-mining land uses. However, the experimental practices must meet all other standards established by SMCRA and must maintain protection of the environment and the public. Approval and monitoring of a permit containing an experimental practice results in a close working relationship between the mine operator, the state, and the Office of Surface Mining.

In addition to eight ongoing projects in 1994, one new project was approved, one was closed out, one was terminated by the state, and two new experimental practices are under review.

Reclamation Awards

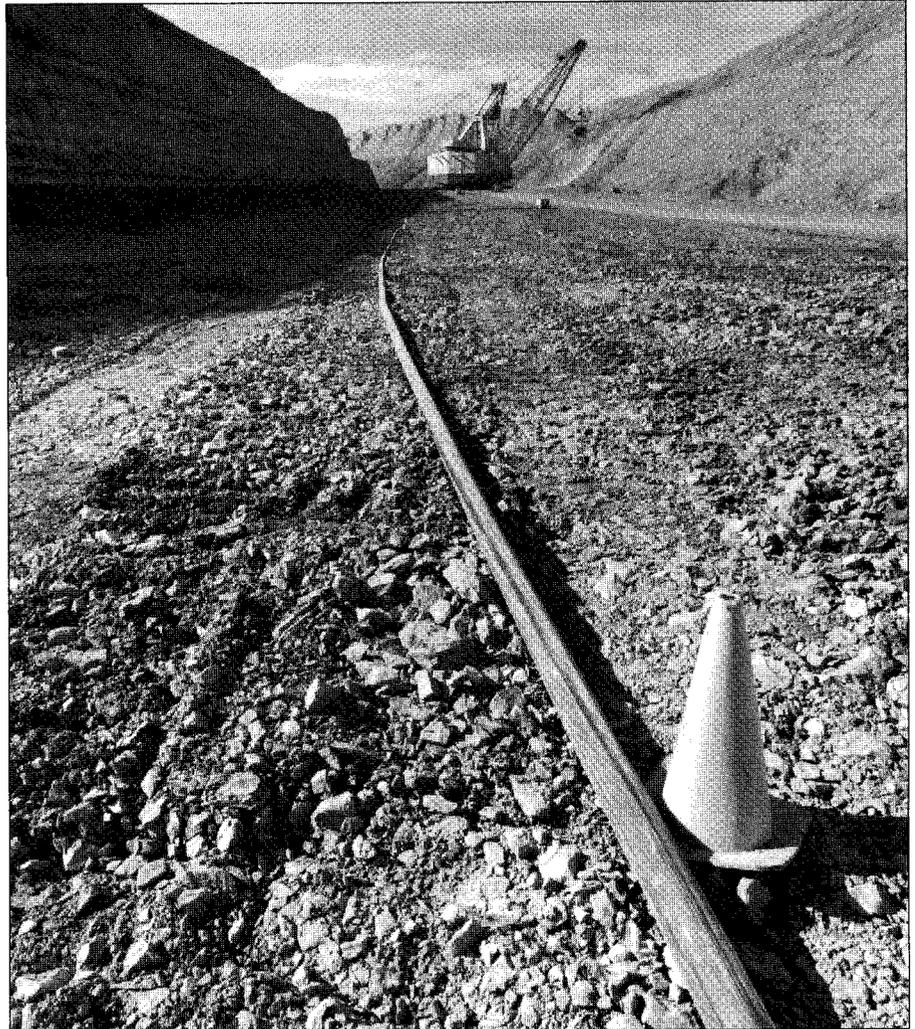
To recognize the people responsible for the nation's most outstanding achievements in carrying out environmentally sound mining and reclamation under Title V, the Office of Surface Mining presents awards to operators who have developed innovative reclamation techniques or who have completed mining and reclamation operations that resulted in outstanding on-the-ground performance. Awards for 1993 were presented June 18, 1994, at the National Coal Association's annual meeting as follows:

Director's Award

■ The Director's award was presented to the Hobet Mining Company for exemplary reclamation with wildlife habitat as a post-mining land use at its mine near Madison, West Virginia.

National Awards

■ Buffalo Coal Company for exemplary contemporaneous reclamation at its Difficult Mine in West Virginia.



■ Red River Coal Company and its mine operator, S.R. Mullins Excavating Company, for exemplary reclamation at the Flat Gap Mine remining operation in southwestern Virginia.

■ Kerr-McGee Coal Corporation's Jacobs Ranch Mine, near Gillette, Wyoming, for exemplary reclamation achieved under western (arid) conditions.

■ Peabody Coal Company for exemplary reclamation that resulted in outstanding crop yields at its Moorman Mine in western Kentucky.

■ The Centralia Mining Company, operating in Centralia, Washington, for outstanding reclamation that created a wide range of wildlife habitat that added vegetative diversity to the company's forest plantation.

■ Peabody Coal Company's River King operation, located in southern Illinois, for reclaiming 2,500 acres that provide varied aquatic habitats and recreational opportunities.

■ W.H. Bowlin Coal Company, operating in eastern Kentucky, for outstanding reclamation achieved by a small mine operator.