

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT



TEXAS

Annual Evaluation Report

Regulatory and Abandoned Mine Land Reclamation Programs

Evaluation Year 1997

(October 1, 1996 through September 30, 1997)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Texas Program and the effectiveness of the Texas program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 1996 to September 30, 1997.

OSM continued its implementation of its new oversight policy, which was introduced in 1996. The primary focus of the new policy is an on-the-ground results-oriented strategy that evaluates the end result of State program implementation, i.e., the success of the State programs in ensuring that areas off the minesite are protected from impacts during mining, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The new policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, the new policy continued to encourage public participation as part of the revised oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection standards.

The new oversight guidance reemphasized that oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to report on OSM's and Texas' progress in conducting evaluations and completing oversight activities, and on their accomplishments at the end of the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Office of Surface Mining, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following acronyms are used in this report:

AMD	Acid Mine Drainage
AMLR	Abandoned Mine Land Reclamation
AVS	Applicant Violator System
EY	Evaluation Year
NOV	Notice of Violation
OSM	Office of Surface Mining
RCT	Railroad Commission of Texas, Surface Mining and Reclamation Division
SMCRA	Surface Mining Control and Reclamation Act of 1977
TFO	Tulsa Field Office

II. Overview of the Texas Coal Mining Industry

The near-surface coal deposits (20 to 200 feet) in Texas are about 97 percent lignite. The remainder is bituminous coal. The potential coal reserves are 23.37 billion tons of lignite and 787 million tons of bituminous coal. The sulfur content ranges from .7 to 1.5 percent for lignite and 1.4 to 3.6 percent for the bituminous coal. Cannel coal is mined on 3 South Texas mines and has an average sulfur content of 2.2 percent. The coal seams mined in Texas average about 8 feet in thickness.

In the 1840's the first bituminous coal was mined along the Trinity River of Texas. As early as 1850, lignite was produced and used. Coal from both lignite and bituminous deposits was used by the railroads until the 1920's. In 1917, coal production in Texas was about 2.5 million tons, with approximately equal amounts of lignite and bituminous coal. From 1918 until 1950, only 18,000 tons of lignite were produced. In 1954, a lignite-fueled electric power-generating plant near Rockdale, Texas opened. Following that, annual coal production increased rapidly to meet the demand for electric power generation at additional plants. In 1996, over 54 million tons of coal was produced in Texas from large surface mines using large equipment such as bucket-wheel excavators and cross pit spreaders in addition to draglines, scrapers, loaders, and trucks.

Most of the lignite production is used in the generation of electric power within the State. The lignite from one mine is used to produce activated carbon. The bituminous production has been used intrastate by the cement, lime and light-weight aggregate industry to fire kilns, and boilers. The cannel coal mined near Laredo, Texas, has been exported to Europe for fireplace coal, to South America for generation of electricity, and used within the State by various industries such as cement production. Texas is the Nation's fifth ranked coal-producing State and the largest lignite producer in the world. Daily employment at the 25 permitted operations exceeds 2,000.

Climate is not a limiting factor for reclamation in Texas. Some mines have encountered acid-forming materials in the overburden that has complicated reclamation activities. In some areas, where topsoil substitution is used, selective overburden handling techniques have proven successful in the reclamation of thousands of acres.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

A. Public Participation in OSM's Oversight

OSM sent letters to persons, organizations, and agencies with a known interest in the Texas program. The letters sought public comment on the oversight of Texas'

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implementation of its coal mining regulatory and abandoned mine land reclamation programs. The comments received were incorporated in the preparation of the performance agreement. OSM also investigated citizen's complaints and met with citizens upon request to hear their concerns.

B. Public Participation in State Processes

RCT allows public input into the State program through several avenues. Citizens may comment on permit applications and even be parties to the proceedings, may comment on amendments to the State program, and may file complaints on mining operations. The process for citizen's input is formal; a comment from one group of citizens was that the process was too formal for ordinary citizens to be able to use effectively, but the process is consistent with the State rules on public participation. OSM's past reviews have shown that RCT has always extended the opportunities for public comment and taken appropriate measures to ensure that the comments are properly considered and implemented where possible.

IV. Major Accomplishments/Issues/Innovations in the Texas Program

A. Regulatory Program

During EY 1997, RCT was successful in operating its regulatory program so that there were no significant adverse environmental impacts from coal mining in Texas. Texas and OSM completed the work on a major program amendment that updated a large number of rules in the Texas program.

B. Abandoned Mine Land Reclamation Program

The Texas AML program is operating with an annual grant of \$1.5 million and a full-time staff of 10.

Texas is reclaiming noncoal abandoned mine land sites (surface uranium and underground cinnabar mines) because all known coal-related sites have been completed. In EY 1997, RCT's project construction consisted of that which could be done under its annual construction appropriation plus carry-over construction projects started in previous years. RCT has involved the general public and local citizens in project construction. No citizen complaints were received. RCT followed standard construction practices using State contracting procedures. RCT has used the AVS to check on the violation status of bidders before contracts are awarded to preclude violators from receiving AML contracts. RCT is following the provisions of its realty requirements on all approved AML projects. Inspection of completed projects

indicated that RCT completed projects appropriately and on time.

In EY 1997, the RCT completed reclamation of approximately 338 acres, 12,300 linear feet of highwall, 3 hazardous water bodies, 10 portals and 14 vertical openings. Revegetation is in progress on the 338 acres. RCT completed reclamation designs for one large uranium surface mine which will be reclaimed in EY 98, and the design is 90% complete on another large uranium project. Designs were completed for closure projects of 16 vertical openings and 10 portals.

V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

To further the concept of reporting end results, the findings from performance standard evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts and the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in the Tulsa Field Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts

Using both State and Federal inspections, 6 off-site impacts were observed from 321 opportunities for observations. An observation is defined as an inspection, either State or Federal, partial or complete. When a Federal observation led to a State observation, the observation was counted only once; no types of sites were excluded from observations; and all observations were those that resulted in an NOV. Five of the 6 off-site impacts identified were impacts to water with 2 that were minor, 2 that were moderate, and 1 that was major. The sixth impact was a major impact to land. Four of the 6 off-site impacts were observed on 1 company's mines, which leads to the conclusion that off-site impacts from coal mining and reclamation in Texas, except at the 1 company's mines, were negligible. OSM, RCT, and the company causing most of the off-site impacts will work together in EY 1998 to ensure that off-site impacts are reduced (Table 4).

B. Bond Release

In the evaluation of the effectiveness of the Texas program in ensuring successful reclamation on lands affected by surface coal mining operations, OSM conducted 4 bond release inspections. All applicable performance standards had been met on the areas released by RCT. During EY 1997 RCT released 2,717 acres under Phase I,

which means that approximate original contour was restored, and topsoil or an approved alternative was replaced. Under the Phase II standards, RCT released 2717 acres. Phase II releases indicate that surface stability and vegetation have been established. Phase III releases totaled 1,993 acres. On these, vegetative cover and productivity, and ground and surface water quality were restored to approved standards. Most of the Phase III released mined land was reclaimed to pastureland or hayland. (Table 5).

No bonds were forfeited during EY 1997. The mining industry is expected to request more acres to be released in 1998 than has been the pattern in past years. RCT and OSM plan to review the State bond release rules and procedures during EY 1998.

VI. OSM Assistance

OSM provided financial assistance to Texas in the form of grants, for 50 percent of the operational budget for RCT's activity as the regulatory authority and 100 percent of RCT's activity in abandoned mine land reclamation. RCT has access to and uses equipment provided by OSM for the Technical Information Processing System. OSM provided information on several topics during the course of the year.

VII. General Oversight Topic Reviews

Acid Mine Drainage Potential:

In 1996, as a part of the Clean Streams Initiative, OSM initiated a nationwide study of the potential for AMD from coal mining. This item was added to the 1996 oversight workplan/performance agreement for RCT and rolled into the 1997 oversight workplan because it had not been completed.

Acid-forming materials were found in the overburden analysis of all but 3 Texas mines; 3 mines in South Texas, a small percentage of Texas coal mining, did not contain acid-forming materials. All of the mines with the potential for AMD contained handling plans for controlling the acid-forming materials to prevent AMD. During the last 2 years, no AMD has occurred, but during that same time, RCT pursued, through enforcement action, correction of acid materials found in reclaimed topsoil substitute at one mine.

The conclusion is that there is potential for AMD from coal mining in Texas, but the mining companies and RCT have taken the appropriate steps to prevent it from occurring.

Mine-Site Evaluation: During EY 1997, TFO conducted 14 complete inspections and 4 bond

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release inspections on Texas mines. As a result of the oversight inspections, TFO sent one TDN to RCT identifying two violations. These were handled appropriately. Texas conducted 100 percent of the required number of complete and partial inspections during the evaluation period (See Table 3A).

Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory and abandoned mine land reclamation activities within Texas. They also summarize funding provided by OSM and current Texas staffing. Unless otherwise specified, the reporting period of the data contained in all tables is October 1, 1996, to September 30, 1997. Additional data used by OSM in its evaluation of Texas' performance is available for review in the evaluation files maintained by the Tulsa Field Office.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
Calendar Year			
1995	52.8	0	52.8
1996	54.4	0	54.4
1997 ^B (01/01/97 - 06/30/97)	25.1	0	25.1

^A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

^B Indicate period if other than a full calendar year.

TABLE 2

INSPECTABLE UNITS (As of September 30, 1997)													
Coal mines and related facilities									Insp. Unit ^D	Permitted acreage ^A (hundreds of acres)			
	Active or temporarily inactive		Inactive		Abandoned		Totals			IP	PP	Total	
	IP	PP	Phase II bond release		IP	PP	IP	PP					
			IP	PP						IP	PP		
STATE and PRIVATE LANDS						REGULATORY AUTHORITY: STATE							
Surface mines	0	20	0	1	0	0	0	21	21	0	20700	20700	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	1	0	0	0	0	0	1	1	0	1	1	
Subtotals	0	21	0	1	0	0	0	22	22	0	20701	20701	
FEDERAL LANDS						REGULATORY AUTHORITY: STATE							
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0	
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0	
ALL LANDS^B													
Surface mines	0	20	0	1	0	0	0	21	21	0	20700	20700	
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0	
Other facilities	0	1	0	0	0	0	0	1	1	0	1	1	
Totals	0	21	0	1	0	0	0	22	22	0	20701	20701	
Average number of permits per inspectable unit (excluding exploration sites)											1		
Average number of acres per inspectable unit (excluding exploration sites)											9039		
Number of exploration permits on State and private lands: .											0	On Federal lands: 0	C
Number of exploration notices on State and private lands: . .											41	On Federal lands: 0	C
^{IP} : Initial regulatory program sites. ^{PP} : Permanent regulatory program sites. ^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land. ^B Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. ^C Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management. ^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.													

TABLE 3

STATE PERMITTING ACTIVITY
(As of September 30, 1997)

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	4	7	89,691	0	0	0	0	0	0	4	7	89,691
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Revisions (exclusive of incidental boundary revisions)	0	261	0	0	0	0	0	1	0	0	262	0
Transfers, sales and assignments of permit rights	0	0	0	0	0	0	0	0	0	0	0	0
Small operator assistance	0	0	0	0	0	0	0	0	0	0	0	0
Exploration permits	0	0	0	0	0	0	0	0	0	0	0	0
Exploration notices ^B	0	41	0	0	0	0	0	0	0	0	41	0
Totals	4	309	89,691	0	0	0	0	1	0	4	310	89,691

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 7

^A Includes only the number of acres of proposed surface disturbance.

^B State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 3A

STATE OF TEXAS INSPECTION ACTIVITY		
October 1, 1996 - September 30, 1997		
Inspectable Units Status	Number of Inspections Conducted	
	Partial	Complete
Active	239	87
Inactive*	16	8
Abandoned	N/A	N/A
Exploration	N/A	13
Total	267	108
Overall percentage of required inspections conducted: Partial <u>100</u> Complete <u>100</u>		
Percentage of inspectable units that met the required inspection frequency: Partial <u>100</u> Complete <u>100</u>		

TABLE 4

OFFSITE IMPACTS														
RESOURCES AFFECTED		People			Land			Water			Structures			
DEGREE OF IMPACT		Total	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0												
	Land Stability	0												
	Hydrology	5							1	2	2			
	Encroachment	0						1						
	Other	0												
	Total	6	0	0	0	0	0	1	1	2	2	0	0	0
Total number of permits or mine sites with observed off-site impacts: Permits 4 Mines 4 Total number of permits or mine sites evaluated: Permits 25 Mines 25 Total number of observations made to evaluate mine sites or permits for off-site impacts: 320														

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS (October 1, 1996 through September 30, 1997)		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	<ul style="list-style-type: none"> ● Approximate original contour restored ● Topsoil or approved alternative replaced 	2,717.60
Phase II	<ul style="list-style-type: none"> ● Surface stability ● Establishment of vegetation 	2,717.60
Phase III	<ul style="list-style-type: none"> ● Post-mining land use/productivity restored ● Successful permanent vegetation ● Groundwater recharge, quality and quantity restored ● Surface water quality and quantity restored 	1,933.40
	Disturbed Acreage Status^A	Acres
	Total number of disturbed acres at end of last review period (September 30, 1996)	132,868.21
	Total number of acres disturbed during this evaluation year	130,874.81
	Number of acres disturbed during this evaluation year that are considered remaining	0.00
^A Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).		

TABLE 6

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1996 ^A	0	0	0
Bonds forfeited during EY 97			
Forfeited bonds collected as October 1, 1996 ^A	0	0	0
Forfeited bonds collected during EY 1997			
Forfeiture sites reclaimed during EY 1997	0	0 ^B	0
Forfeiture sites repermitted during EY 1997			
Forfeiture sites unreclaimed as of October 1, 1997			
Excess reclamation costs recovered from permittee	0	0	0
Excess forfeiture proceeds returned to permittee			
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TABLE 7

TEXAS STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1997
Regulatory program	
Permit review	17
Inspection	18
Other (administrative, fiscal, personnel, etc.)	10
Sub-total	45
AML Program	10
TOTAL	55

TABLE 8

<p align="center">FUNDS GRANTED TO TEXAS BY OSM (Millions of dollars)</p>			
<p align="center">Type of grant</p>		<p align="center">Federal funds awarded</p>	<p align="center">Federal funding as a percentage of total program costs</p>
Regulatory	Administration and enforcement	\$1.4	50%
	Small operator assistance	\$0.0	0%
<p align="center">Regulatory Totals</p>		\$1.4	
AMLR	Administration and construction	\$7.9	100%
<p align="center">AMLR Total</p>		\$7.9	
<p align="center">Total Regulatory and AMLR</p>		\$9.3	

Appendix B: State Comments on Report



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

December 4, 1997

Michael C. Wolfrom, Director
Tulsa Field Office
Office of Surface Mining Reclamation and Enforcement
5100 E. Skelly Drive, Suite 470
Tulsa, Oklahoma 74135-6547

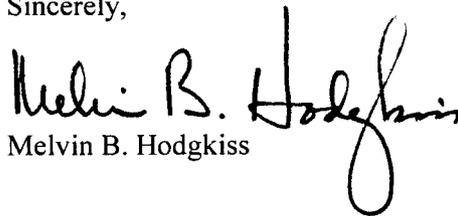
RE: Draft EY1996 Annual Evaluation Report

Dear Mr. Wolfrom:

We have reviewed the draft EY1996 Annual Evaluation Report received on November 19, 1997. To simplify our reply, I have attached a "red" lined copy of pages 4, 5, 6, 9 and 11 which contain suggested correction/revision comments.

If you have any questions regarding our comments don't hesitate to give me a call.

Sincerely,


Melvin B. Hodgkiss

MBH/mjf
Attachment

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
TULSA FIELD OFFICE

97 DEC -8 PM 4:07

11/11/97

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97 DEC 0 11 4 07

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Can not find
supporting document.
for this statement

No bonds were forfeited during EY 1997. ~~RCT has reported that due to deregulation of the utility industry in Texas, self-bonding will decline, requiring the RCT to reevaluate existing and new bond amounts.~~ The mining industry is expected to request more acres to be released in 1998 than has been the pattern in past years. RCT and OSM plan to review the State bond release rules and procedures during EY 1998.

VI. OSM Assistance

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VII. General Oversight Topic Reviews

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Mine-Site Evaluation: During EY 1997, TFO conducted 14 complete inspections and 4 bond release inspections on Texas mines. As a result of the oversight inspections, TFO sent one TDN to RCT identifying two violations. These were handled appropriately. Texas conducted 100 percent of the required number of complete and partial inspections during the evaluation period (See Table 3A).

TABLE 3A

STATE OF TEXAS INSPECTION ACTIVITY		
October 1, 1996 - September 30, 1997		
Inspectable Units Status	Number of Inspections Conducted	
	Partial	Complete
Active	239	87
Inactive*	16	8
Abandoned	N/A	N/A
Exploration	N/A	N/A 13
Total	267	108
Overall percentage of required inspections conducted: Partial <u>100</u> Complete <u>100</u>		
Percentage of inspectable units that met the required inspection frequency: Partial <u>100</u> Complete <u>100</u>		