

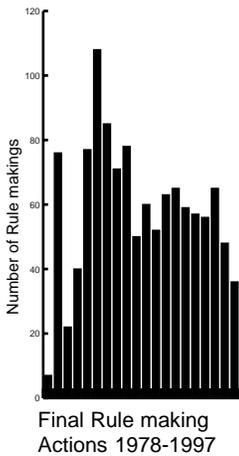
# 2.

## Environmental protection

### Shared federal/state/Indian active surface and underground coal mining and reclamation program

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

#### Rule making and State Program Amendments



The 1997 rule making process included discussions with coal industry representatives, citizen groups, and state regulators to obtain their input and suggestions.

During the year, the Office of Surface Mining published four proposed permanent program rules in the Federal Register: Valid Existing Rights (RIN 1029-AB42), Prohibitions of 522(e) (RIN 1029-AB82), Coal Moisture (RIN 1029-AB78), and the Removal of 870.17 (RIN 1029-AB93). In addition, two final permanent program rules were published in 1997: State Program Amendments (RIN 1029-AB86

and 1029-AB87) and Coal Moisture (RIN 1029-AB78). Subject to Office of Surface Mining approval, states have the right to amend their programs at any time for appropriate reasons. Whenever the Surface Mining Law 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 the 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 standard format and content guidelines for state program submissions have been issued to the states. Also, in response to current funding levels and resource constraints, an Office of Surface Mining team reevaluated the agency's amendment process, recommending a number of changes to streamline processing efficiency and responsiveness. In 1997, the Office of Surface Mining published 44

**TABLE 5  
FINAL RULES PUBLISHED DURING 1997**

**State Program Amendments (RIN 1029-AB86 and 1029-AB87)**  
62 FR 9932      30 CFR 901-950      3/5/97

This rule revises the information currently reported in the Code of Federal regulations (CFR) regarding the Office of Surface Mining Director's approval of amendments to the state regulatory programs and abandoned mine land reclamation plans. The information was condensed to a three-column tabular presentation.

**Coal Moisture (RIN 1029-AB78)**  
62 FR 45920      30 CFR 870      8/29/97

The rule amends regulations governing how the excess moisture allowance is determined for reclamation fee purposes. The rule clarifies and simplifies technical guidance, and provides the coal industry with standard criteria for calculating the excess moisture allowance on all coals subject to reclamation fee payment.

proposed and 34 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 corresponding approved state program provisions (in states that have primacy). Currently, there are 24 primacy states that administer and enforce approved programs for regulating surface coal mining and reclamation under the Surface Mining Law. An effective relationship between the Office of Surface Mining and the states is fundamental to the successful implementation of the Surface Mining Law. This shared federal-state commitment to carry out the requirements of the Surface Mining Law is based on common goals and principles that form the basis for the relationship.

#### Oversight of State Programs

Section 517(a) of the Surface Mining Law requires the Office of Surface Mining to make inspections as necessary to evaluate the administration of approved state programs. To implement these duties, the Office of Surface Mining works with states and other interested parties to seek consensus on oversight techniques. To maintain objectivity, the Office of Surface Mining also plans and conducts inspections, independent reviews, and technical analyses.