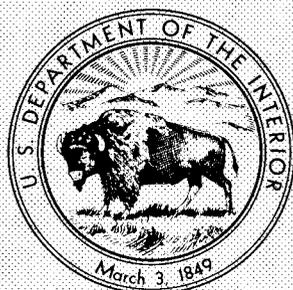


Office of Surface Mining Annual Report Fiscal Years 1988 and 1989



United States Department of the Interior

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**Office of Surface Mining
Annual Report
Fiscal Years
1988 and 1989**



United States Department of the Interior
Office of Surface Mining
Washington, D.C. 20240
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CONTENTS

Page

Page

1. Introduction	1
2. Executive Summary	2
3. Program Administration and Finance	
Legislative Initiatives	5
Budget and Appropriations	5
Assessments and Collections	6
Collections Information System	8
Net Worth Reports	8
Legal Action Against Debtors	8
Fee Billing and Collection System (FEEBACS)	8
Technical Information Processing System (TIPS)	8
Coal Data Management Information System (CDMIS)	8
Applicant Violator System (AVS)	9
Monitoring Potential Conflicts of Interest	9
Human Resources Plan	9
Government Accounting Office (GAO) Audits	10
Organization and Field Office Locations	11
4. Regulatory and Enforcement Activities	
Regulatory Development	12
State Program Amendments	16
State Regulatory Programs	16
Grants to States	21
Program Development Grants	21
Regulatory Grants	21
Federal Programs for States	24
Federal Oversight of State Regulatory Programs	25
Regulation of Surface Mining on Federal and Indian Lands	27
Federal Lands Program	27
Indian Lands Program	27
Hearings and Appeals	28
Kentucky Settlement Agreement	28
Pennsylvania Anthracite Regulatory Program	28
Reclamation Award Program	29
Additional Information	31
5. Technical Assistance	
Research	32
Experimental Practices	32
India Project	33
Technical Training	33
Small Operator Assistance Program (SOAP)	34
Additional Information	35
6. Abandoned Mine Land Program (AML)	
Abandoned Mine Land Fund	36
Federal Reclamation Program	36
Emergency Projects	36
Grants to States and Tribes	39
Minimum Program Grant Funding	39
State Share Set-Aside Grants	39
Subsidence Insurance Program	39
National Inventory of AML Problems	39
OSM Study on AML Fund Reauthorization	44
Additional Information	44
7. Office of Surface Mining Directory	45

Tables

1 OSM Appropriation History -- 1978-1989	7
2 Active and Completed GAO Reviews -- 1988-1989	10
3 Final Rules Published -- 1988-1989	12
4 State Program Statistics -- 1988	17
5 State Program Statistics -- 1989	19
6 Program Development Grants -- 1988-1989	21
7 Regulatory Grant Funding -- 1988	22
8 Regulatory Grant Funding -- 1989	23
9 Federal Regulatory Programs -- 1988-1989	24
10 Federal Oversight of State Programs -- 1988	25
11 Federal Oversight of State Programs -- 1989	26
12 Regulatory Activities on Indian Lands -- 1988-1989	27
13 Small Operator Assistance Prog. Grant Awards -- 1988-1989	34
14 AML Fee Collections and Funding -- 1988	37
15 AML Fee Collections and Funding -- 1989	38
16 Interior Department AML Projects -- 1988-1989	40
17 AML Grants to Primacy States and Indian Tribes -- 1988	41

Figures

1 OSM Field Office Locations	11
2 OSM Organization	11

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 Office of Surface Mining (OSM) for the period October 1, 1987, through September 30, 1989 -- fiscal years 1988 and 1989.

Included in this report are activities regarding Titles IV, V, VI, and VII. SMCRA responsibilities of other bureaus or agencies are omitted. These responsibilities include Title III, the Mining and Mineral Research Institutes, which are administered by the 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 these activities is reported directly to the Congress by the responsible organizations.

Due to delays in producing the 1988 annual report, both the 1988 and 1989 reports would have been issued at approximately the same time. For efficiency, therefore, the two reports have been combined. As a result, the 1989 report has been expedited, facilitating distribution immediately following the end of the year.

The report format differs from previous OSM annual reports, which were written not only to meet the reporting requirement of SMCRA but also for widespread distribution to the coal industry and the public. This report, containing data and only brief background, was written primarily for the President, the Congress, and the State Regulatory Authorities. The condensed format and more specific focus have resulted in a publication cost savings of approximately \$22,000 (95 percent) over the 1987 report.

This brief report has been written and organized to give an overview of OSM's principal activities and accomplishments during this period. The information is organized to facilitate examination of specific elements, or to review the entire program.

Section 2 provides a summary of the six principal issues confronting OSM during 1988-89. Although these issues may be further described with text and statistics in the body of the report, they are presented here to give the reader both an understanding of the issues and a status report on them during this period.

Sections 3 through 6 describe OSM's activities and accomplishments in administering the SMCRA Regulatory and Abandoned Mine Land Programs. Statistics are provided in tabular form. Where appropriate, a graph is included showing trends since the beginning of the program. To eliminate extraneous text and aid readers requiring more detailed information about OSM operations, citations of OSM technical publications and reports describing OSM activities developed during this reporting period are provided at the end of each section. Some of these materials are unpublished; however, machine copies are available from OSM on request.

Section 7 provides a directory of the 32 OSM office locations.

Information about OSM activities, news releases, and publications, or additional copies of this report, can be obtained from:

Public Affairs
Office of Surface Mining
1951 Constitution Ave., NW
Washington, D.C. 20240
(202) 343-4953

2. EXECUTIVE SUMMARY

OSM has moved into its second decade at a time in our Nation's history when coal production is at an all time high. Yet, along with this unsurpassed production, the Nation is experiencing improved compliance with the requirements of SMCRA. Despite the fears of many when SMCRA became law, this is confirmation that ever-increasing production and environmental protection can occur together.

1988-1989 has also been marked with much controversy for OSM, as well as noteworthy accomplishments. For example,

- Through OSM's effort, the availability of bonds has improved, including the use of phased and incremental bonding and State bonding pools.
- Major improvements occurred in OSM training provided to State regulatory authorities and in increased technical assistance to States, providing state-of-the-art analytical software for use in the State permitting process.
- Significant improvements to the wide range of financial management systems were achieved.
- The civil penalty debt backlog of nearly \$200 million for over 50,000 violations was processed over a 2-year period. Of the civil penalty receivables balance of \$32 million, as of September 30, 1989, all but \$6 million was referred to the Solicitor for legal action.
- Major enhancements to the Applicant Violator System (AVS) resulted in greatly improved accuracy.
- The process used for oversight of State regulatory programs was examined.
- Improvements to the State program amendment process were achieved.

In addition, this year is marked by a change in Executive Branch administration; this new leadership is finding effective solutions to many of OSM's long-standing problems.

Following are the principal issues where much of the controversy centered and on which OSM expended major effort during the 1988-1989 period.

VALID EXISTING RIGHTS (VER)

Section 522(e) of SMCRA prohibits surface coal mining operations in certain areas (e.g., the National Parks, Wilderness Areas, within 300 feet of an occupied dwelling), unless the operations were in existence when SMCRA was enacted or an operator has VER to mine.

In 1979, OSM issued a rule that required an operator to have obtained all permits before August 3, 1977, in order to establish VER. As a result of a court remand, the rule was changed in 1980 to provide for a "modified all permits" test which required a good faith effort to obtain necessary permits. In 1983, OSM issued a new rule, which defined VER in terms of takings under the 5th and 14th Amendments to the Constitution. This rule was remanded on a failure to comply with the Administrative Procedure Act. In 1986, OSM suspended the 1983 rule, leaving a modified all permits test in effect in all States except those whose State programs use a VER takings test (West Virginia and Illinois).

On December 27, 1988, OSM proposed rulemaking which contained two options:

- 1) VER exists when an applicant has obtained, or had made a good faith effort to obtain, all necessary permits; or
- 2) VER exists when an applicant has a legal right to the coal resources and has authority to mine by the method intended, as determined by State law.

At the same time, the Secretary of the Interior published a policy statement declaring that if anyone initiates an action to exercise VER in the federally designated areas covered by 522(e)(1), the Secretary shall use all available authorities to acquire such rights through exchange, negotiated purchase, or condemnation. As a result of the public objection to this proposed rule, it was withdrawn in July 1989 to allow the new officials in the Interior Department and OSM to take a fresh look at the VER issue. OSM believes that the best option to address the VER issue is to develop a new proposed rule, involving all parties with an interest in the issue. Work aimed at development of such a rule was just beginning at the end of 1989.

OVERSIGHT OF STATE REGULATORY PROGRAMS

The role of OSM and the States respectively in regulating surface coal mining operations has been the subject of much discussion since passage of SMCRA. However,

Section 517(a) requires OSM to perform oversight of each State program annually. During 1988-1989, changes to the oversight process were proposed that included major revisions to the existing process on a prototype basis. This action resulted in considerable public concern and questions from the Congress. OSM is currently re-examining the oversight process to ensure that progress made by the States is recognized, while a complete, consistent national database is maintained that will enhance the capability of OSM to meet oversight responsibilities. On August 24, 1989, OSM Director Harry M. Snyder instructed the field offices to ensure that data needed to assess State progress and on-the-ground conditions are included in OSM's annual reports on State programs. Furthermore, the States slated for a trial or "prototype" testing of the revised oversight process are also required to retain these data.

APPLICANT VIOLATOR SYSTEM (AVS)

In response to litigation brought by several environmental groups, OSM in 1985 entered into a settlement agreement to build a computer system capable of identifying all permanent program permit applicants and permittees, all persons who own or control such applicants or permittees, all business entities (including corporations, partnerships, and individuals) that are responsible for unabated federal cessation orders or unpaid federal civil penalties, and all persons who own or control such entities. Use of the system must result in identification of all those entities having federal violations so they can be blocked from obtaining permits until their compliance problems are resolved.

This system, called the Applicant Violator System (AVS), went into operation in October 1987. However, there have been numerous expansions and enhancements since that time. The effectiveness and accuracy of the system has increased since its initiation, but operational problems and widespread criticism have continued. Earlier this year, plaintiffs filed a motion with the court alleging that the Department and OSM were in substantial non-compliance with the Parker Order. The motion called for assigning a Special Master to implement the agreement and asked that the Secretary be held in contempt.

OSM and the plaintiffs have agreed to stay litigation for a period of 60 days, ending early in FY 1990. In an attempt to settle differences, the plaintiffs have dropped their request that the Secretary be held in contempt. Negotiations are ongoing and there are encouraging prospects that this highly controversial issue will be settled in the near future.

REAUTHORIZATION OF THE ABANDONED MINE LAND FUND

SMCRA provides for a fee to be collected on each ton of coal produced to pay for reclaiming lands damaged by mining prior to the date of enactment (August 3, 1977). This provision will expire in 1992, unless it is reauthorized. Even though many thousands of acres of abandoned mine lands have been reclaimed through the use of the fund, many more posing public health and safety problems will remain unreclaimed if the authorization expires and the fund runs out. Although expiration is still more than two years in the future, the AML fund reauthorization issue has generated special interest among legislators, environmentalists, and the coal industry.

OSM has undertaken a study to analyze issues surrounding a fee extension.

STATE PROGRAM AMENDMENT PROCESS

Whenever the federal program regulations are revised, OSM reviews State programs to ensure that each State program is "as effective as" the federal program, and advises States of necessary changes. The resulting State program amendment process has become time consuming and cumbersome, and none of the participants are satisfied with it. Problems have occurred both because of the time spent by OSM on reviewing proposed amendments, and because States do not always propose effective amendments in a timely manner.

During 1988-1989, OSM took a number of steps to improve the process. For example, the process within OSM has been decentralized. Legal review is also currently being decentralized and additional staff added in the field to expedite legal review.

KENTUCKY SETTLEMENT AGREEMENT

On May 22, 1986, the National Wildlife Federation filed a notice of intent to sue Kentucky and the Department of the Interior over major deficiencies in the implementation of the surface coal mine regulatory program in Kentucky. The Interior Department participated in negotiations, leading to a Settlement Agreement between the National Wildlife Federation and Kentucky in September 1987. At the same time, a Supplemental Memorandum of Understanding was entered into between OSM and Kentucky. Congressional funding was approved in December 1987, and a Cooperative Agreement between OSM and the State of Kentucky, which became effective on February 23, 1988, provides 100 percent federal funding to the State for costs of meeting the agreement. The Congress approved a three-year Cooperative Agreement for \$12,900,000, of which Kentucky is to receive \$10,540,000.

Kentucky's progress in improving its regulatory program under the Settlement Agreement has been substantial. The State has completed 100 percent of the interim program mine site inspections; completed 80 percent of the aerial video tapes of surface mines; completed the inventory of 568 on-site construction exemptions; evaluated 59 sites for enforcement action; completed a policy on what amounts of highwall will be allowed to remain at interim program sites; developed a "Reclamation Process Monitoring Program" for the Kentucky inspection staff; and is implementing major management changes to its computer system.

During 1988 and 1989, Kentucky expended nearly \$5.7 million, and showed a significant expenditure shortfall only in the contractual cost category. The bulk of this shortfall is for computer-related contracts. Recently submitted budget revisions reprogram the funds for FY 1990 and propose several promising computer initiatives which would obligate the funds during the coming year.

Kentucky has been highly successful in conveying to its inspection staff and the industry the importance of the success of the Settlement Agreement. Kentucky has met at the bargaining table with industry, OSM, and the environmental community to discuss surface mining issues of concern to all parties.

3. ADMINISTRATION AND FINANCE

LEGISLATIVE INITIATIVES

The Office of Surface Mining provided legislative drafting services requested by the 100th Congress regarding remining, the AML income tax exemption, the Small Operator's Assistance Program (SOAP), and interest-bearing investment of AML Fund monies. The Administration formally submitted a legislative proposal on wild-cattling.

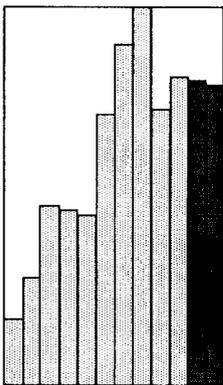
Two bills were drafted in the 100th Congress to make technical corrections on the AML income tax issue in the Tax Reform Act; however, neither bill was passed by the end of the 100th Congress. They were H.R. 4333, sponsored by Congressman Rostenkowski, and S. 2238, introduced by Senator Bentsen.

House Resolution 2719, to amend Titles I, II, IV, and V of SMCRA, and add an additional Title X to encourage remining, was introduced by Congressman Clinger in the 101st Congress on June 22, 1989. H.R. 2791 would amend SMCRA to encourage the remining and reclamation of abandoned mine lands through the concept of a federal/State program. That legislation was introduced by Congressman Boucher on June 29, 1989.

Legislation was introduced in the 101st Congress to amend SMCRA, address reclamation, and provide authority for the Secretary of the Treasury to invest monies deposited in the AML fund in interest-bearing accounts (H.R. 2095, introduced by Congressman Rahall on April 25, 1989).

Amendments to Titles II, V, and VII of SMCRA would make the mining of coal without a permit a criminal offense and permit the seizure of all property used in the mining operation. The proposal, H.R. 1376, was introduced by Congressman Udall on March 13, 1989.

BUDGET AND APPROPRIATIONS



OSM Budget 1978-89

Public Law 100-202, signed by President Reagan on December 22, 1987, appropriated from the Treasury \$102,125,000 for FY 1988 regulatory and enforcement activities, and an amount equal to the 1988 performance bond forfeitures. The bond forfeitures in 1988 were \$273,000.

The appropriation language contained the following provisions:

- Civil penalties collected under Section 518 of SMCRA can be used to reclaim lands mined and abandoned after August 3, 1977. \$733,699 was collected from civil penalties in 1988 and \$704,000 was used for reclamation of the post-August 3, 1977, lands.
- The Secretary must abide by and adhere to the terms of the Settlement Agreement in *NWF v. Miller*, C.A. No. 86-99 (E.D. Ky). OSM did adhere to all terms and provisions.

In addition, \$199,380,000 was appropriated from the AML Fund, and up to 20 percent of the funds recovered from the delinquent debt were authorized to be used to continue collection of these debts. In 1988 the delinquent debt collection was \$4,693,919, and \$470,000 (10 percent) was spent on additional debt collection. The following provisions were included in the AML appropriation:

- Reclamation funding to States pursuant to Section 406(a) may not exceed 15 percent administrative expenses.
- States shall not receive funding if they have not agreed to participate in the nationwide Applicant Violator System (AVS).
- 50 percent of the annual AML grant may be denied if the Secretary finds the State(s) failing to enforce provisions of the approved State regulatory program.
- Expenditures under Section 402(g)(3) shall be prioritized as stated in Section 403.
- 23 full-time positions are to be maintained in the Wilkes-Barre Office.

All of the provisions were met.

Public Law 100-446, signed by the President on September 27, 1988, appropriated from the Treasury \$101,095,000 for FY 1989 regulatory and enforcement activities, and an amount equal to the receipts of 1989 performance bond forfeitures. The bond forfeitures receipts in 1989 were \$285,098.

The appropriation language contained the following provisions:

- Civil penalties collected under Section 518 of SMCRA can be used to reclaim lands mined and abandoned after August 3, 1977. \$775,385 was collected from

civil penalties in 1989, and \$300,584 was used for reclamation of the post-August 3, 1977, lands.

- The Secretary must abide by and adhere to the terms of the Settlement Agreement in *NWF v. Miller*, C.A. No. 86-99 (E.D. Ky). OSM did adhere to all terms and provisions and significant progress was made on the Settlement Agreement. This progress is summarized in Section 4, under the Kentucky Settlement Agreement.

In addition, \$193,160,000 was appropriated from the AML Fund, and up to 20 percent of the funds recovered from the delinquent debt was authorized to be used to continue collection of these debts. In 1989 the delinquent debt collection was \$7,077,426, and \$1,064,300 (15 percent) was spent on additional debt collection. In addition to the same provisions found in the 1988 appropriations, the following were also included in the 1989 AML appropriation:

- State and Tribal personnel attending OSM-sponsored training may be paid travel and per diem expenses by OSM. In 1989 \$129,672 was obligated for State and Tribal personnel's travel expenses while attending training.
- OSM should conduct a thorough accounting and reconciliation of the Abandoned Mine Reclamation Fund for the period 1977-1988. It was directed that "this accounting and reconciliation should determine, by State, the source of all contributions to the Fund and ... denote all fund disbursements by purpose and fiscal year including letter of credit grants to States."

In May 1987, OSM initiated a project to reconcile documentation of AML receipts, expenditures, and funding with the existing automated information systems. The purpose of this project was to ensure that all source documents supported the information contained in the automated systems and to obtain concurrence from coal producing States and Tribes. This project was undertaken in three phases:

Phase I: Grant Expenditure Reconciliation. This phase consisted of a review of grant obligations/deobligations, drawdowns, and expenditures for all grants and cooperative agreements awarded to date. This phase was completed in January 1988.

Phase II: State/Federal Share Allocation. This phase consisted of a calculation of the State share balance from Fiscal Years 78-88 and a recalculation of the FY 89 grant allocations. This phase is complete up to the point of State concurrence.

Phase III: Reconciliation of AML Receipts. This involved a review of receipts to ensure they were attributed to the correct State/Tribe. The total reconciliation will involve approximately \$2.2 billion. This phase is complete and concurrences are being requested from States/Tribes.

Reporting systems and monthly reconciliation have been developed in order to provide States and Tribes with current information regarding their receipts, expenditures, and funding. These improvements, together with system enhancements, will insure continued reconciliation of the Abandoned Mine Reclamation Fund.

All of the provisions in the 1989 appropriations were met.

Table 1 provides a 1978-1989 appropriation history.

ASSESSMENTS AND COLLECTIONS

During 1988, OSM decentralized the civil penalty assessment function to field offices in Knoxville, Tennessee, and Denver, Colorado. This realignment placed the assessment process within the same organizations that are responsible for mine site inspection, and significantly improved the coordination between those two functions.

The backlog of delinquent civil penalty debt was processed during 1988. (OSM reclassified as uncollectible over \$42 million.) Debts which are uncollectible are retained in OSM's Applicant Violator System to prevent violators from receiving new mining permits.

The collection of delinquent AML fees was consolidated in Headquarters during 1988. The AML fee program collection rate is currently over 99 percent. Since inception of OSM, the agency has collected over \$2.4 billion in fees. The unpaid principal for the same period amounted to about \$25 million. During 1988 and 1989, OSM collected about \$11.7 million in delinquent AML fees (including \$3.5 million of audit fees). About 10 percent of the delinquent AML fees are collected as a result of permit blocks flagged by the Applicant Violator System.

For both the civil penalty and AML delinquent debt programs, OSM utilizes private contractors to attempt collection and to determine the net worth of individuals and businesses who do not pay their obligations. The majority of OSM's delinquent debt (65 percent, totaling in excess of \$51 million) has been referred to the Solicitor for legal action. Of the balance remaining, \$17 million (22 percent) is owed by companies that are bankrupt. OSM is currently processing \$11 million of remaining delinquent AML and civil penalty debt. At the end of 1989, about half of the debt was in the collection process with private agencies.

Table 1
OSM Appropriation History
1978-1989
(Dollars in Thousands)

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Regulation & Technology												
State Regulatory Grants	\$8,600	\$18,900	\$21,680	\$35,000	\$24,432	\$32,150	\$38,100	\$36,734	\$35,387	\$45,110	\$40,359	\$41,910
Regulatory Program Operations												
Tech. Services, Training & Research												
Kentucky Settlement Agreement												
Assessments and Collections						10,493	13,776	23,729	6,938	7,929	10,502	8,981
Program Operations & Inspections												
State & Federal Programs	3,300	4,007	14,352	22,492	15,246							
Inspection & Enforcement	7,520	13,360	16,622	15,717	12,193							
Technical Support	3,260	6,872	7,033	6,841	6,644	10,903	12,551	12,890				
Applied Research	2,500											
Mineral Institutes	5,700	5,800	10,000	9,629								
SOAP		5,000	15,000									
General Administration						7,332	6,268	6,994	8,103	14,062	13,831	11,999
Executive Direction									[1,359]	[1,664]	[1,677]	[1,761]
Administrative Support									[3,425]	[6,297]	[6,856]	[5,649]
General Services									[3,319]	[6,101]	[5,209]	[4,589]
Subtotal	30,880	53,939	84,687	89,679	58,515	60,878	70,695	80,347	80,774	100,003	102,125	101,095
Abandoned Mine Reclamation Fund												
State Reclamation Grants		10,000	25,000	26,200	46,936	173,528	233,100	236,840	149,441	160,600	159,660	151,660
Fund Management	4,784	8,660	9,124	9,987	6,794	5,131	6,498	6,599				
Fee Compliance									2,680	3,482	5,588	5,681
Reclamation Program Operations	15,875	21,835	39,376	29,364	41,680	23,064	26,452	39,371	28,715	24,592	13,662	19,005
AML - Technical Support	998	808	1,237	1,652	1,584	991	1,221	1,955				
RAMP	5,000	10,128	10,106	10,280	18,339	6,155	10,582	9,800	9,019	9,400	15,000	12,000
SOAP	10,000	10,000	10,000	5,000			(11,499)	(2,000)	2,949			
General Administration						4,210	4,874	4,376	4,473	5,646	5,470	4,814
Executive Direction									[794]	[825]	[880]	[866]
Administrative Support									[1,912]	[1,992]	[2,311]	[1,692]
General Services									[1,767]	[2,829]	[2,279]	[2,256]
Subtotal	36,647	61,451	94,843	82,485	115,333	213,079	271,228	296,941	197,277	203,720	199,380	193,160
Total	\$67,527	\$115,390	\$179,530	\$177,964	\$173,848	\$273,957	\$341,923	\$377,288	\$278,051	\$303,723	\$301,505	\$294,255

COLLECTION INFORMATION SYSTEM

Improvement to the collection information system in early 1988 provided OSM with a highly flexible, rapid data retrieval capability. The improvements enabled OSM to automate the production of Treasury reports for accounts receivable (Schedule 9) as well as to report the status of every civil penalty case, including the age of cases within each processing stage. The modifications to the system resulted in substantial reductions in the cost of producing necessary financial reports.

NET WORTH REPORTS

Net worth reports are requested to determine the ability of businesses and individuals to pay money owed to OSM for unpaid civil penalties and AML fees, as well as their ability to pay for the cost of reclaiming old mining sites. During 1988-89, OSM obtained net worth reports on approximately 2,000 companies and individuals.

LEGAL ACTION AGAINST DEBTORS

When OSM exhausts its avenues of debt collection, delinquent debts are referred to the Solicitor's office for legal action. The agency refers only the cases for which evidence of sufficient assets exists. During 1988-89, OSM referred about 1,100 civil penalty cases worth nearly \$22 million and 635 AML cases worth \$6.5 million.

FEE BILLING AND COLLECTION SYSTEM (FEEBACS)

OSM is developing a new AML Fee Billing and Collection System prototype. If approved, the FEEBACS prototype will be developed into a full production system that will replace the AML Fee Collection system, in use since 1978.

To date, OSM has consulted with the system users to develop the necessary functional and data requirements for the new system. FEEBACS will be designed around Oracle, a relational data base management system. Besides offering many new features, such as the ability to "link" multiple mining operations under their respective parent corporations, FEEBACS will also allow other OSM systems to access resident AML data.

Requirements analyses and benefit-cost studies indicate that FEEBACS will far surpass the capabilities of the existing AML system, with a net benefit of approximately \$5,000,000 over the five-year system life.

TECHNICAL INFORMATION PROCESSING SYSTEM (TIPS)

The Technical Information Processing System (TIPS) is a computer system which was jointly developed by OSM and the States. The system provides regulatory authori-

ties with analytical tools to aid the technical decision-making processes related to SMCRA. Using commercially available off-the-shelf software, TIPS performs a number of automated operations in the areas of engineering, hydrological, and scientific analysis required in mine permitting, abandoned mine land projects, designation of lands unsuitable for mining, and other applications. Prior to the development of TIPS, calculations were prepared using manual methods that were often inconsistent and cumbersome as well as time-consuming.

In 1988, OSM began formal implementation of TIPS through a variety of actions. In January 1988, the host minicomputer was installed in Denver, Colorado. Installation of the minicomputer allows processing of analytical computer models quickly and efficiently. Telecommunications planning was completed, enabling workstations to be linked to the host minicomputer in Denver. Training materials for all users were developed and distributed to coincide with the installation of the workstations in the State regulatory authorities. Prototype testing of the software to be installed on each workstation was completed using three State regulatory offices (Pennsylvania, Illinois, and Montana) and four OSM offices (two in Pennsylvania plus Knoxville, Tennessee, and Denver, Colorado). Upon completion of the prototype testing, 14 State regulatory authorities, in addition to the three prototype State regulatory authorities previously equipped, received workstations by the end of 1988. These States were Alabama, Colorado, Indiana, Kentucky, Maryland, New Mexico, North Dakota, Ohio, Oklahoma, Texas, Utah, Virginia, West Virginia, and Wyoming. Installation included testing of each workstation at each site, a demonstration of the capabilities of TIPS to State managers, and intensive training of State regulatory staff on the software installed on each workstation. In 1989, OSM installed additional workstations in Alaska, Iowa, Missouri, and Kansas.

COAL DATA MANAGEMENT INFORMATION SYSTEM (CDMIS)

OSM's long-term information systems goal for CDMIS is to have an integrated computerized system that provides OSM field installations and State regulatory authorities with access to a central data base which will support all phases of SMCRA enforcement as well as Title IV reclamation programs.

Originally, OSM developed numerous independent single-purpose computer systems, each individually designed to meet an identified, specific need. Consequently, these systems had no data standardization, integration, or interface capabilities.

CDMIS is designed to alleviate these problems. It will provide the framework for standardizing and integrating

provide the framework for standardizing and integrating data in all current OSM information systems.

CDMIS development and implementation will be phased in over several years. In 1988 the initiation phase of the Life Cycle Management plan was begun. It entailed reviewing prior contractor deliverables and developing the Mission Analysis and Concept Analysis. In 1989 the system concept development was completed. CDMIS design will be implemented by decentralizing computing power to all organizational entities involved in the enforcement of SMCRA. Each entity will have a micro-based computer to run CDMIS and other local functions. OSM will create a central data base for national use and will define standards for the data base. On a regular basis (e.g., daily), selected data in the local computers will be uploaded to the central computer and made available to authorized users for cross-entity inquiries.

APPLICANT VIOLATOR SYSTEM (AVS)

Section 510(c) of SMCRA and corresponding regulations (30 CFR 773, 778, and 843) prohibits the issuance of permits to applicants with previous violations that have not been corrected, and to applicants related to violators through ownership and control. The Applicant Violator System was developed to assist OSM and the State regulatory authorities in implementing these requirements. Operation of the system identifies possible associations between permit applicants or their affiliates and uncorrected violations of SMCRA. This information is then provided to State and federal permitting authorities who determine whether a permit should be issued or denied. The system also enables OSM to meet its obligation under a 1985 court order. As part of the settlement agreement between OSM and several public interest groups, the U.S. District Court for the District of Columbia required OSM to computerize the system for identifying owners/controllers and violators.

In 1988 the following AVS accomplishments were achieved:

- Extended AVS access to the 13 OSM Field Offices.
- Installed capability for States to print their local data bases, creating a name and address registry.
- Developed additional online reports, such as, "Exception Report" and "Violation Report."
- Revised the menus for easier access and user-friendliness.

In 1989 the principal accomplishments included:

- Completion of the AVS Phase II Data Analysis Report on March 10, 1989. This report describes the most feasible approach for collecting and assimilating

State mining and clean air and water violations in order to block permits of violators.

- Incorporation of data that provides ownership of a particular Mine Safety & Health Administration (MSHA) identification number for a specified time frame.
- Development of a quarterly report which identifies applicants who are linked to Failure-To-Abate Cessation Orders.
- Implementation of new, more reliable communications software used by State Regulatory Authorities.
- Initiation of a redesign study in February 1989 to review the system's design, structure, data quality, accuracy, and consistency to determine where system modifications or data improvements, or both, can be implemented to provide a more efficient system. Implementation of recommendations stemming from this study is scheduled for January 1990.

MONITORING POTENTIAL CONFLICTS OF INTEREST

Sections 201(f) and 517(g) of SMCRA prohibit any federal or State employee "performing any function or duty under this Act" from having "direct or indirect financial interest in underground or surface coal mining operations." In monitoring these provisions, OSM provides oral and written guidance and assistance to personnel of affected State and federal agencies. Through this process, OSM has increased awareness and understanding of these provisions, and violations have steadily decreased. In calendar year 1988, 8 divestiture orders were issued and 8 remedial actions taken. In 1989, 5 divestiture orders were issued and 5 remedial actions taken. All cases were favorably resolved.

HUMAN RESOURCES PLAN

To enhance productivity and improve morale in the OSM workplace, a Human Resources Workplan was developed in March 1988 to implement the recommendations adopted by a committee of OSM's top management. This workplan, consisting of 68 recommendations, targeted specific completion dates and assigned responsibilities. Some of these accomplishments include: Award ceremonies recognizing outstanding achievements held in Washington, Denver, and Pittsburgh; greater use of the upward mobility program for employees with demonstrated abilities; a pilot program to provide employees with an opportunity to choose alternative work schedules (begun in May 1988 and will run until May 1990); successful orientation sessions for new and summer employees; and the production of a new orientation videotape titled "A Page In Time."

GOVERNMENT ACCOUNTING OFFICE (GAO) AUDITS

During 1988-1989 the GAO initiated 17 audits of OSM functions and completed 14 reports containing recommendations for improvements. OSM has responded to all recommendations contained in the reports and taken corrective action where appropriate. Table 2 lists the audits active during 1988-1989 and their status.

Table 2
Active and Complete GAO Reviews FY 1988-1989

Audit or Review Title	Status
Interior & State Management of Regulatory Grant	Completed, Report GAO/RCED-88-68
Transfer of Admin. of OSM Act of 1977	Completed, Report GAO/RCED-88-161
OSM's Progress: Improvement of Management of the SM Program	Active
OSM's Efforts to Improve Collection Results	Active
Procedures Used by OSM to Update the AML Inventory	Completed, Report GAO/RCED-88-196BR
Laboratory Accreditation Requirements	Completed, Report GAO/RCED-89-102
Interior's Automated Information Systems & Automation Issues	Active
OSM's Reconciliation of the AML Inventory	Active
Cost and Availability of Reclamation Bonds	Completed, Report GAO/PEMD-88-17
OSM's Efforts to Improve its Applicant Violator System	Active
OSM Methodology to Determine the Cost of Purchasing Mineral Rights	Active
Operation of the Applicant Violator System Can Be Improved	Completed, Report GAO/AFM-89-3101
Interior's Response to Abandoned Mine Emergencies	Completed, Report GAO/RCED-89-74
Improvements Needed in OSM's Method of Allocating Obligations	Completed, Report GAO/AFMD-89-89
Inadequate Internal Control Causes Procurement Problems in West Virginia	Completed, Report GAO/RCED-89-194
GAO Transition Issues	Completed, Report GAO/OCG-89-24-TR
OSM Response to Management Review Recommendations	Completed, Report GAO/RCED-89-82-FS
Information on Legal Issues Under the Surface Mining Act	Completed, Report GAO/RCED-89-140FS
Interior is Acting to Improve its Collection of Civil Penalty Fees	Completed, Report GAO/AFMD-89-73
Complete Reconciliation of the AML Fund Needed	Completed, Report GAO/RCED-89-35

ADDITIONAL INFORMATION

U.S. Dept. of the Interior, 1988. *TIPS: Technical Information Processing System*: Office of Surface Mining, Washington, D.C., Flyer.

U.S. Dept. of the Interior, 1988. *A Page in Time* -- A video tape describing reclamation progress under SMCRA: Office of Surface Mining, Washington, D.C., VHS video tape.

Figure 1
OSM Field Office Locations

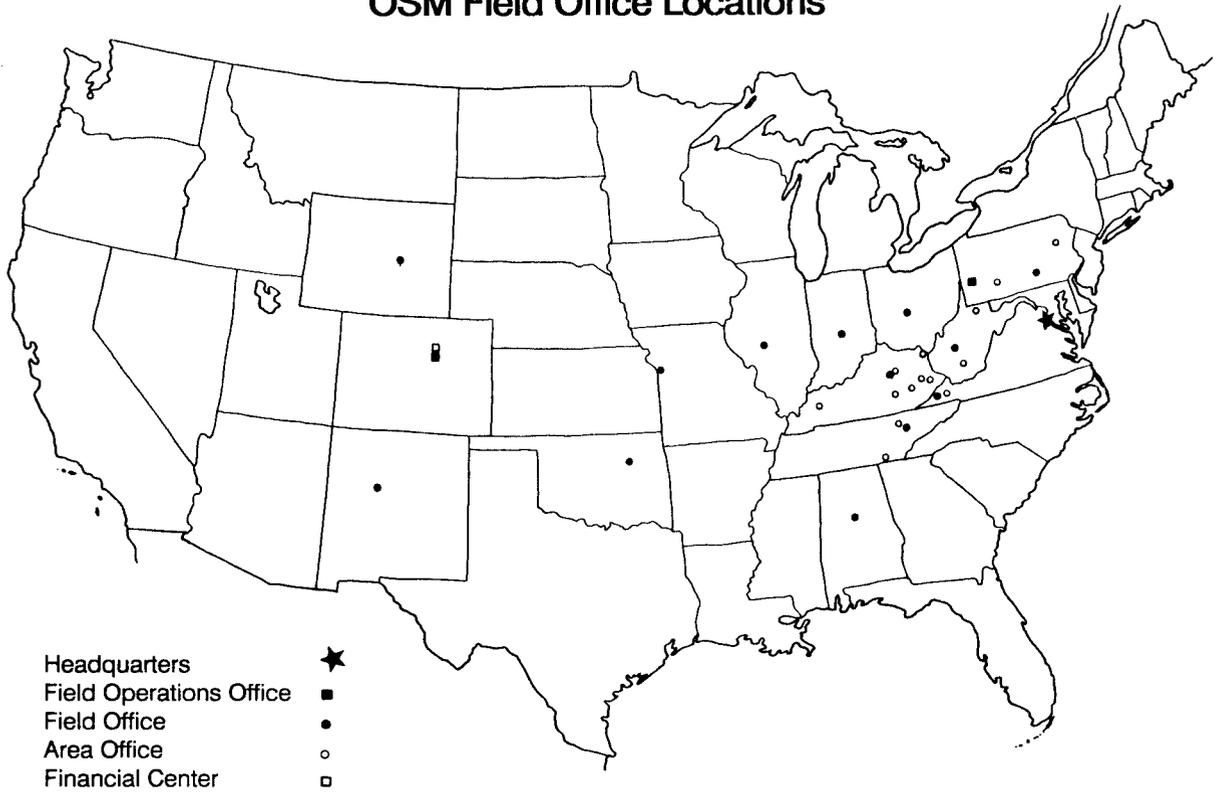
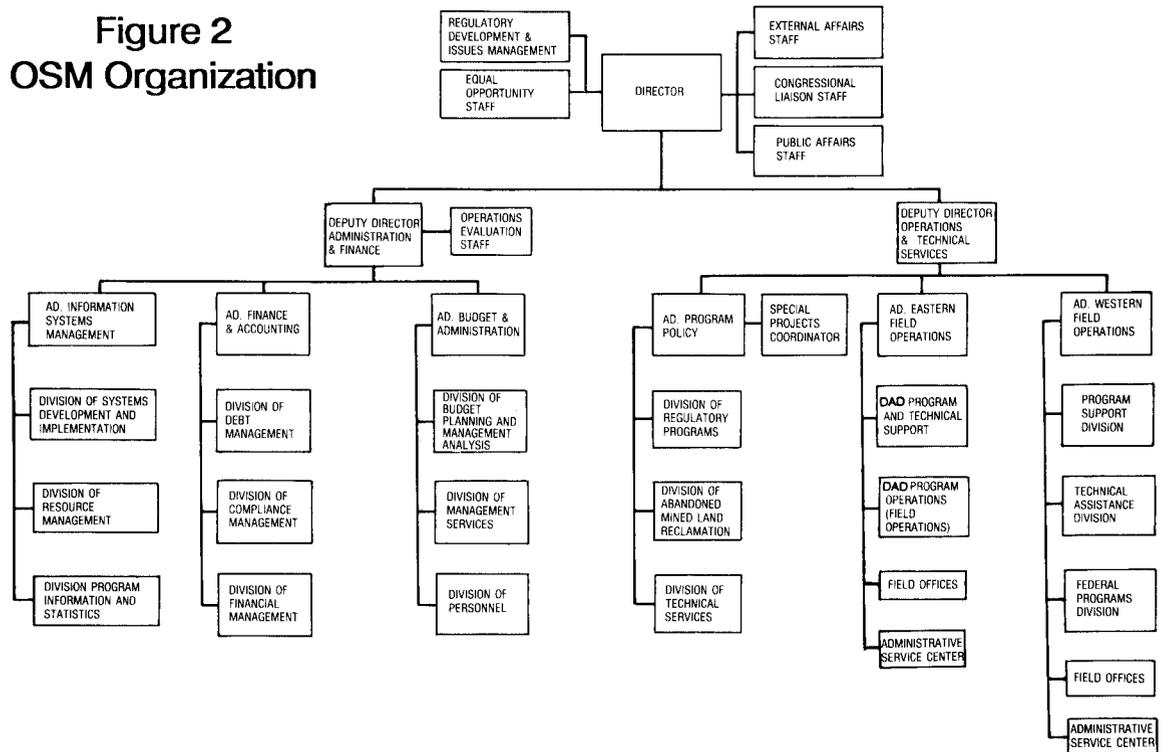
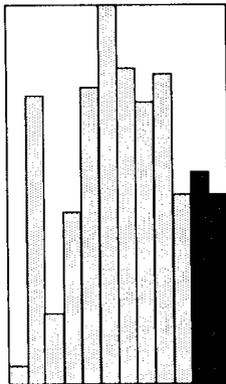


Figure 2
OSM Organization



4. REGULATORY ENFORCEMENT

REGULATORY DEVELOPMENT



Final Rulemaking
Actions 1978-89

SMCRA charges OSM with responsibility for publishing rules and regulations as 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 purposes of SMCRA are achieved. A major objective of OSM is to establish a stable regulatory program by improving its regulatory development process and by obtaining a broad spectrum of viewpoints on rule-making activities.

Although the 1988-89 period cannot be identified as a period of extensive rule-making, several complex and controversial rules were finalized. Throughout this period, the rule-making process included discussions with representatives of the coal mining industry, environmental groups, and State regulatory authorities to obtain their input and suggestions.

Table 3 describes the final regulations published in the Federal Register during 1988 and 1989. Each regulation is identified with the Federal Register citation by volume and page number, Code of Federal Regulations (CFR) number, and effective date.

Table 3
FINAL RULES PUBLISHED DURING 1988-1989

Mountaintop Removal Mining

52 FR 39182 11/19/87 (30 CFR Part 785)

Regulations were amended that affect mountaintop removal mining. The action was taken in compliance with the District Court for the District of Columbia's July 15, 1985, ruling "In re: Permanent Surface Mining Regulation Litigation II No. 79-1144 (D.D.C. 1985)." The revised regulation corrects an inadvertent error made during previous rule making which omitted certain statutorily required provisions concerning mountaintop removal mining. The omitted provisions included a requirement that the applicant present specific plans for the proposed postmining land use and assurances that such use will meet certain conditions for a variance prior to a regulatory authority's granting a permit to mine.

Public Notice, Comment and Hearing Procedures

52 FR 39404 11/20/87 (30 CFR Parts 700 and 736)

Rules were amended governing the promulgation and revision of a federal program for a State, for coal exploration and surface coal mining operations on non-federal and non-Indian lands. The rule revises the existing public notice, comment, and hearing procedures.

Cooperative Agreement with Illinois

52 FR 45323 12/28/87 (30 CFR Part 913)

OSM adopted a cooperative agreement between the Department of the Interior and the State of Illinois for the regulation of surface coal mining and reclamation operations on federal lands in the State. Such a cooperative agreement is provided for in Section 523(c) of the Surface Mining Control and Reclamation Act.

Hydrologic Balance, Protection of Recharge Capacity

52 FR 45920 1/4/88 (30 CFR Parts 784 and 817)

Regulations were amended with respect to restoration of recharge capacity for underground mines. The modification removes the requirement for underground mine operators to handle earth materials and runoff in a manner which will restore approximate premining ground water recharge capacity when reclaiming the mine faceup area at the conclusion of mining. The rule also removes a similar requirement from the performance standards.

Lands Unsuitable for Surface Coal Mining Operations

52 FR 49322 1/29/88 (30 CFR Parts 764 and 769)

OSM amended its permanent program rules that govern the processing of petitions to designate specified areas of land as unsuitable for surface coal mining operations. The amendments eliminate provisions providing for the suspension of petition processing and make the State and federal processes consistent in the completeness review. These changes were made in response to a decision by the U.S. District Court for the District of Columbia.

Table 3 Continued

FINAL RULES PUBLISHED DURING 1988-1989

Bond Release Application

53 FR 994 2/16/88 (30 CFR Part 800)

These rules govern the information required in an application to release a performance bond to include the name of the permittee and amending the bonding rules to allow third parties to guarantee a self-bond. These revisions are in response to the National Wildlife Federation's challenge to the omission of the permittee's name in the published notice of bond release and in response to a June 16, 1986, petition for rule making from the National Coal Association/American Mining Congress Joint Committee on Surface Mining Regulations requesting that OSM amend its rules to allow third parties to guarantee a self-bond.

Individual Civil Penalties

53 FR 3664 3/9/88 (30 CFR Parts 723, 724, 845, and 846)

This rule provides criteria and procedures to assess individual civil penalties in accordance with section 518(f) against officers, directors, and agents of corporate permittees who knowingly and willfully authorize, order, or carry out violations.

Requirements for Permits and Permit Processing

53 FR 11606 5/9/88 (30 CFR Part 773)

This rule revises the regulatory prohibition on mining without a permit more than eight months after approval of the State or federal regulatory program. The grace period will be available only to persons conducting surface coal mining operations under a permit from the State regulatory authority, issued in accordance with the initial regulatory program. This change responds to a decision rendered in federal district court. The effect of this change is that any existing mining operation that has no permanent program permit and does not qualify for the exception will have to cease operations and remain shut down until a permanent program permit is issued. This change is not intended to affect coal preparation plants separately authorized under SMCRA.

Excess Moisture Content Allowance; Reclamation Fees

53 FR 19718 5/27/88 (30 CFR Part 870)

Regulations that govern how the weight of each ton of coal produced is determined for reclamation fee purposes were amended. This action will make the weight determination consistent with the method used for certain other tax purposes. The intended effect is to permit a deduction for moisture over and above the inherent moisture content.

Abandoned Sites

53 FR 24872 8/1/88 (30 CFR Parts 840, 842, and 843)

This regulation defines an abandoned site as an incompletely reclaimed surface coal mining and reclamation operation where mining and reclamation activities have ceased and which has been abandoned. The rule requires regulatory authorities to inspect abandoned sites as necessary to monitor for changes in environmental conditions or operational status. The rule will enable regulatory authorities to reduce the number of unproductive inspections, as well as duplicate notices and orders, and thus concentrate resources on inspection and enforcement activities that are more likely to secure compliance with the Act. However, inspections can only be reduced where certain actions, such as bond forfeiture and alternative enforcement, have occurred.

California Federal Program

53 FR 26570 8/12/88 (30 CFR Part 905)

OSM promulgated a federal program to regulate surface coal mining and reclamation and coal exploration operations on non-federal and non-Indian lands in California, in the absence of a State program.

Legal and Financial Commitments

53 FR 26582 8/12/88 (30 CFR Part 762)

SMCRA provides that the regulatory authority shall establish a planning process to enable it to make an objective decision as to which, if any, lands are unsuitable for all or certain types of surface coal mining operations. This process does not apply to lands where substantial legal and financial commitments in surface coal mining operations were in existence prior to Jan. 4, 1977. The definition of "substantial legal and financial commitments" is revised to clarify that the presence of an existing mine is not necessary to demonstrate the occurrence of a claim.

Table 3 Continued

FINAL RULES PUBLISHED DURING 1988-1989

Evaluation of State Responses to Ten-Day Notices

53 FR 26728 8/15/88 (30 CFR Parts 842 and 843)

This rule establishes a uniform standard by which OSM will evaluate State responses to federal notices of possible violations of a State's program. Under the rule, OSM will accept a State regulatory authority's response to such a notice, called a ten-day notice, as constituting appropriate action to cause a possible violation to be corrected or showing good cause for failure to act unless OSM makes a written determination that the State's response was arbitrary, capricious, or an abuse of discretion under the State program. The rule also provides a process by which a State regulatory authority can request informal review of OSM's written determination that the State response did not constitute appropriate action or show good cause.

Surface and Underground Mining Permit Applications

53 FR 36394 10/19/88 (30 CFR Parts 780 and 784)

New regulations were devised to define the content and scope of probable hydrologic consequence determinations for surface and underground coal mining permit applications. This action was taken in response to a district court decision in litigation on OSM's permanent regularity program. This rule established the permit and adjacent areas as the scope of the probable hydrologic consequences determination.

Revegetation Performance Standards

53 FR 34636 10/7/88 (30 CFR Parts 816 and 817)

OSM adopted rules to amend its revegetation regulations for the planting of trees, the time period for measuring revegetation success, and the approval of normal husbandry practices and minimum stocking and planting arrangements.

Prime Farmland

53 FR 40828 10/18/88 (30 CFR Parts 785 and 823)

Certain portions of OSM's rules that are applicable to prime farmland were amended. This action was taken, in part, to implement a decision of the U.S. District Court for the District of Columbia. The amended rules: (1) provide guidance in implementing an exclusion from SMCRA's prime farmland provisions for coal mine waste storage areas associated with underground mines; (2) provide special consideration for the removal and replacement of B and C soil horizons, where removal is unnecessary and would not normally be required; and (3) eliminate the water body exemption in consideration of the district and appeals courts' decisions. The rule also provides clarification that water bodies continue to be allowed on post-mining non-prime farmland portions of permit areas, provided that the aggregate total prime farmland acreage is not decreased from that which existed prior to mining and that certain other conditions are met.

Permanent and Temporary Impoundments

53 FR 43584 10/27/88 (30 CFR Parts 780, 784, 816, and 817)

Portions of the regulations governing permanent and temporary impoundments at surface and underground mining operation were amended. Most of the revisions are in response to a court decisions; revisions were also made in response to a 1986 amendment to SMCRA. The rule, which concerns the design, construction, and inspection requirements that apply to impoundments, would (1) establish size criteria for the distinction between large and small impoundments; (2) require a minimum static safety factor for small impoundments; (3) provide for stable foundations and abutments during all phases of construction for small impoundments; (4) establish new spillway requirements for impoundments; and (5) authorize qualified registered professional land surveyors to inspect small impoundments and to certify the construction of siltation structures.

Ownership and Control

53 FR 38868 11/2/88 (30 CFR Part 773)

The rule tightens the criteria for approval of a permit for surface coal mining operations. This rule adds definitions of the terms "owns or controls" and "owned or controlled" as these concepts are used in section 510(c) of SMCRA. It also revises the scope of review of a permit applicant's environmental compliance record as well as that of its owners or controllers prior to the issuance of a new permit. These revisions will greatly reduce the possibility of violators obtaining permits in violation of the permit approval provisions of the Act.

Termination of Jurisdiction

53 FR 44356 12/2/88 (30 CFR Part 700)

This rule clarifies the circumstances whereby a regulatory authority may terminate regulatory jurisdiction over reclaimed sites of completed surface coal mining and reclamation operations and coal exploration operations. The rule requires the regulatory authority either to make a written determination that the permittee has met all reclamation requirements, or to decide to release fully a permanent program performance bond, before regulatory jurisdiction over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, or of a coal exploration site, can be terminated.

Table 3 Continued

FINAL RULES PUBLISHED DURING 1988-1989

Roads Performance Standards

53 FR 45190 12/8/88 (30 CFR Parts 701, 780, 784, 815, 816, and 817)

OSM amended its rules governing roads at surface coal mining and reclamation and coal exploration operations. The rules replace those previously suspended. The rules define a road, establish a road classification system, and establish performance standards that allow a regulatory authority to approve designs tailored to local needs.

Support Facilities

53 FR 47378 12/22/88 (30 CFR Part 701)

The definition of "support facilities" is removed from OSM regulations because a definition is not needed in order to ensure that such facilities are regulated under SMCRA. OSM has determined that the identification of facilities that support surface coal mining operations has been conducted in a manner consistent with the intent of SMCRA during those periods when there has been no definition in Federal regulations (prior to the 1983 introduction of a definition and since the 1988 suspension of the definition).

Coal Preparation Plants Not Located Within the Permit Area of a Mine

53 FR 47384 12/22/88 (30 CFR Parts 785 and 827)

OSM has amended its regulations to clarify the circumstances under which coal preparation plants located outside the permit area of a mine are subject to the performance standards and permitting requirements of SMCRA. By tracking closely the language of SMCRA, OSM ensures that coal preparation activities carried out "in connection with" a coal mine are appropriately regulated.

Fish and Wildlife Resources Information

52 FR 47352 1/11/88 (30 CFR Parts 779, 780, 783, 784, 816, and 817)

The rules were amended regarding fish and wildlife resource information and planning requirements, and standards were applied to the protection of fish and wildlife values. The amendments were made to comply with recent court decisions and to revise and clarify the rules. The revised rules amend reinstated fish and wildlife permitting requirements and provide added protection to endangered or threatened species.

Mining Operations Within Tennessee

53 FR 49104 1/4/89 (30 CFR Part 942)

Federal regulations govern the surface mining program in Tennessee. The amendment is in response to a petition for rule making. The effect of this action is to codify criteria for determining whether a proposed revision to an existing coal mining permit is significant. A significant revision to a permit involves public notice and hearing requirements.

Coal Exploration

53 FR 52942 1/30/89 (30 CFR Parts 772, 815, and 942)

These rule amendments require a notice of intent to explore for all operations removing 250 tons or less of coal, and clarify limitations on commercial use or sale of coal removed during exploration.

Ownership and Control Information

54 FR 8982 4/3/89 (30 CFR Parts 773, 778, and 843)

This rule was developed in conjunction with the ownership and control rule and requires permit applicants to submit more detailed information on persons who own or control them. The rule also revises the requirements for reporting violations and requires a regulatory authority to make its decision to approve or disapprove a permit application on the basis of up-to-date information concerning the compliance record of the applicant and related persons. The revisions were needed to conform the permit application requirements with changes in the permitting process and to ensure that permits are issued based on current compliance review information.

Permit Requirements, Permit to Reclaim

54 FR 13814 5/5/89 (30 CFR Parts 701, 740, 750, 773, 774, 800, and 843)

OSM amended its rules to provide for specific situations where a coal mine operator may not be required to renew a permit to conduct reclamation activities on a location where no mining is taking place. The rule amendment removes the requirement to renew a permit for which the permit term has expired when no activities remain to be performed except reclamation.

Table 3 Continued

FINAL RULES PUBLISHED DURING 1988-1989

Improvidently Issued Permits

54 FR 18438 5/30/89 (30 CFR Parts 773 and 843)

This rule adds to the existing regulations governing surface coal mining and reclamation permits and enforcement procedures for improvidently issued federal and State permits. An improvidently issued permit is a permit which should not have been issued because the applicant at the time was directly or indirectly responsible for a violation, civil penalty, or abandoned mine land fee. It includes general procedures for determining whether a permit was improvidently issued, and for applying appropriate remedial measures to bring permits into compliance. It also includes procedures for the suspension and rescission of improvidently issued permits, and for action by OSM on improvidently issued State permits.

Indian Lands: Federal Regulatory Program

54 FR 22182 6/21/89 (30 CFR Parts 750; 25 CFR Part 200)

The rule clarifies and revises regulatory and leasing requirements for surface coal mining operations on Indian lands. It clarifies jurisdictional status under SMCRA of Indian allotments and tribal fee lands outside Indian reservations.

STATE PROGRAM AMENDMENTS

Following their initial promulgation in 1979, the federal regulations governing permanent regulatory programs were completely revised in 1981-83 to allow States and operators greater flexibility in the means by which they achieve compliance with SMCRA. In response to extensive litigation and agency policy, these rules have been further revised, beginning in 1985 and continuing to the present.

Under 30 CFR 732.17(e), the Director must notify States whenever, as a result of changes in SMCRA or the federal regulations, State programs are no longer consistent with SMCRA or the federal regulations. In compliance with this provision, OSM has issued four such "732" letters to all States on the following dates and topics:

- One in 1985-86, covering all regulatory changes through September 30, 1983;
- One on June 9, 1987, covering the revised rules published on February 10, 1987, concerning the protection and treatment of historic properties;
- One in October-December 1988, covering all regulatory changes from October 1, 1984, through June 8, 1988.
- One on May 11, 1989, covering three rules relating to the interpretation and implementation of Section 510(c) of SMCRA concerning compliance reviews for permit applicants and permittees.

In addition, a fifth letter is currently being sent to States which covers all regulatory changes between June 9, 1988, and July 30, 1989.

These letters have resulted in the submission of a large number of frequently complex amendments from the States. To process these submissions more efficiently, on January 18, 1989, OSM streamlined its amendment review procedures and decentralized approval and signature authority to the Assistant Directors for Eastern and Western Field Operations.

STATE REGULATORY PROGRAMS

Since May 3, 1978, all surface coal mining operations were required to be permitted by the States and to comply with OSM regulations. Currently there are 24 States with primacy which administer and enforce programs for regulating surface coal mining and reclamation under SMCRA. In addition, during 1988-89, three States had federal programs where OSM regulated the surface coal mining and reclamation. Tables 4 and 5 summarize State program statistics during the period July 1, 1987, through June 30, 1989. (OSM's annual statistics on State and federal regulatory programs are compiled on a July-June cycle.)

Table 4
State Program Statistics
1988 (July 1, 1987-June 30, 1988)

	Alabama	Alaska	Arkansas	Colorado	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maryland	Missouri
State Staffing (FTE's 6/30/88)												
Regulatory Program	44	4.91	8.75	23	90	70	5.30	8.25	463.56	3.5	14.2	14.23
AML Program	34	.25	4	9	36	24	5.75	5.75	55.6	2	2.8	15.1
Permits												
New Permits Issued	25	1	1	2	16	16	2	1	448	0	2	8
Permits Suspended	0	0	0	0	0	0	0	0	0	0	0	0
Permits Revoked	4	0	0	0	1	17	0	0	33	0	1	13
Inspections												
Inspectable Units (6/30/88)	308	9	46	54	128	530	26	33	4,900	1	110	101
Complete Inspections	2,686	3	161	229	467	2,172	100	138	17,967	4	617	483
Partial Inspections	1,019	7	256	343	1,085	3,583	235	258	25,068	8	1,110	960
Citations Issued												
Notices of Violations	324	1	32	47	132	279	37	2	2,799	5	36	77
Failure-to-abate Cessation Orders	113	0	2	3	2	25	0	0	652	0	8	4
Imminent Harm Cessation Orders	2	0	0	3	0	0	0	0	57	0	0	1
Civil Penalties												
Collected (\$)	83,790	300	1,500	24,000	34,760	39,200	4,250	0	634,860	400	13,975	16,524
Bonds*												
Final Bond Releases	66	0	4	0	29	72	0	0	740	0	17	56
Forfeitures Initiated	8	0	0	0	1	25	0	0	153	0	1	16
Bonds Collected	105	0	6	0	1	11	0	0	116	0	1	19
Default Sites Reclaimed**	24	0	1	0	1	3	0	14	2	0	0	0
Abandoned Mine Lands												
Projects Approved	20	5	9	19	30	29	2	2	6	0	28	4
Projects Started	17	2	11	15	21	25	2	1	26	0	6	8
Projects Completed	17	5	11	15	20	18	6	3	25	0	4	4

*Initial and permanent program sites
**By State or surety

Table 4 Continued
State Program Statistics
1988 (July 1, 1987-June 30, 1988)

	Montana	New Mexico	North Dakota	Ohio	Oklahoma	Pennsylvania	Texas	Utah	Virginia	West Virginia	Wyoming
State Staffing (FTE's 6/30/88)											
Regulatory Program	14.5	14	13.45	133.1	41	380	46	24.5	93	106.75	31.47
AML Program	6	10	6	45.4	6	172	8	7	24	61	11.97
Permits											
New Permits Issued	0	0	2	170	12	241	3	0	64	245	0
Permits Suspended	0	0	0	4	0	0	0	0	1	16	0
Permits Revoked	0	0	0	4	0	1	0	0	24	50	0
Inspections											
Inspectable Units (6/30/88)	20	14	48	939	196	3,644	28	32	1,161	3,720	47
Complete Inspections	172	59	216	3,961	781	14,849	142	129	4,722	18,920	191
Partial Inspections	92	138	943	6,708	1,187	23,787	200	212	5,126	11,676	380
Citations Issued											
Notices of Violations	15	26	5	1,086	107	910	17	63	620	1,675	16
Failure-to-abate Cessation Orders	0	1	0	149	36	188	0	2	27	162	0
Imminent Harm Cessation Orders	0	0	0	0	0	0	0	0	10	32	0
Civil Penalties Collected (\$)	1,340	5,880	2,550	296,904	26,677	518,742	0	10,880	118,368	314,598	2,312
Bonds*											
Final Bond Releases	0	0	3	74	30	385***	1	0	68	171	1
Forfeitures Initiated	0	0	0	9	15	NA	0	0	14	56	0
Bonds Collected	0	0	0	11	5	150	0	0	15	33	0
Default Sites Reclaimed**	0	0	0	14	6	25	0	0	13	51	0
Abandoned Mine Lands											
Projects Approved	16	15	4	35	5	55	0	5	12	34	8
Projects Started	5	5	4	47	5	109	1	1	13	30	8
Projects Completed	12	3	2	26	8	87	0	1	19	51	6

*Initial and permanent program sites

**By State or surety

*** Permanent program sites only

NA Not available

Table 5
State Program Statistics
1989 (July 1, 1988-June 30, 1989)

	Alabama	Alaska	Arkansas	Colorado	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maryland	Missouri
State Staffing (FTE's 6/30/89)												
Regulatory Program	42	4.26	8.75	26	89	65	5.3	8.25	554*	4	13.9	13.23
AML Program	34	1.25	3.9	13	31	22	5.75	8.75	45.6	2	2.15	12.1
Permits												
New Permits Issued	25	0	5	0	15	12	1	1	259	1	2	2
Inspections												
Inspectable Units (6/30/89)	368	11	39	79	153	511	27	33	4,756	2	110	86
Complete Inspections	3,879	9	155	180	480	2,107	107	137	23,496	8	551	371
Partial Inspections	1,084	16	214	233	1,018	3,582	224	275	27,505	16	1,056	759
Citations Issued												
Notices of Violations	292	2	15	23	96	199	33	8	3,658	2	56	27
Failure-to-abate Cessation Orders	71	0	2	2	8	58	0	0	578	0	1	0
Imminent Harm Cessation Orders	4	0	0	3	0	1	0	0	82	0	0	0
Bonds												
Forfeitures Initiated	10	0	3	4	1	2	0	0	53	0	2	0
Abandoned Mine Lands												
Acreage reclaimed	503.9	0	138	19	468	552.4	162	76	766	0	24	329

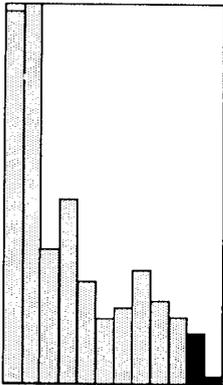
* Includes 88.5 from Settlement Agreement

Table 5 Continued
State Program Statistics
1989 (July 1, 1988-June 30, 1989)

	Montana	New Mexico	North Dakota	Ohio	Oklahoma	Pennsylvania	Texas	Utah	Virginia	West Virginia	Wyoming
State Staffing (FTE's 6/30/89)											
Regulatory Program	14.9	14.5	10.95	116.05	41.3	367	54	25.5	99	112	31.54
AML Program	5	9.25	6.5	41.3	6	150	20.7	7	18	57	11.10
Permits											
New Permits Issued	1	0	1	116	6	156	4	2	85	278	0
Inspections											
Inspectable Units (6/30/89)	59	14	57	877	168	3,613	84	44	1,106	4,094	94
Complete Inspections	171	56	212	3,802	734	14,061	146	135	5,070	18,088	174
Partial Inspections	116	97	797	6,781	963	22,715	302	222	4,601	10,291	335
Citations issued											
Notices of Violations	22	17	6	1,247	97	867	12	57	472	1,466	6
Failure-to-abate Cessation Orders	1	0	0	210	38	86	0	8	21	96	1
Imminent Harm Cessation Orders	0	0	0	3	0	3	0	2	14	36	0
Bonds											
Forfeitures Initiated	0	0	0	11	28	7	0	2	18	84	0
Abandoned Mine Lands											
Acreage reclaimed	301	47	234	266.5	137	1,956.04	108	116	152.7	146	3,960

GRANTS TO STATES

PROGRAM DEVELOPMENT GRANTS



Program Development Grants 1978-89

Section 201 of SMCRA authorizes OSM to assist State regulatory agencies in developing or revising surface mining regulatory programs. During 1988, three Indian tribes (the Crow, Navajo, and Hopi) were awarded \$490,933 in program development grants. In 1989, OSM reduced funding to Indian tribes to an amount adequate to allow tribal participation by the Hopi and Navajo in the preparation of the environmental impact statement (EIS) for the Black Mesa-Kayenta mine in

Arizona. All regulatory program development funding for the Tribes has been suspended in view of the unlikelihood of Congressional action, in the foreseeable future, on legislation to allow for tribal primacy under SMCRA Section 710. Table 6 summarizes the program development grants in 1988 and 1989.

Table 6
Program Development Grants 1988-1989
Obligations

Indian Tribe	FY 1988	FY 1989
Crow	\$20,989	\$0
Hopi	98,000	73,000
Navajo	371,944	83,234
Total	\$490,933	\$156,234

REGULATORY GRANTS



Permanent Program Regulatory Grants 1978-89

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

In addition, when a State elects to administer an approved program on federal lands through a cooperative agreement, it becomes eligible to receive financial assistance for up to 100 percent of the amount the Federal Government would have expended in regulating coal mining on those lands. Tables 7 and 8 show the grant amounts provided

to States during 1988 and 1989 to administer and enforce the regulatory programs.

Table 7
Regulatory Grant Funding
1988 Obligations

State	Federal Lands	Non-Federal Lands (Federal Share)	Total Federal Funding*
Alabama	\$0	\$1,012,620	\$1,019,170
Alaska	0	303,592	305,657
Arkansas	0	210,610	213,010
Colorado	874,699	225,301	1,104,755
Illinois	105,782	2,351,661	2,440,921
Indiana	0	1,324,206	1,577,306
Iowa	0	160,619	164,413
Kansas	0	191,682	194,202
Kentucky	0	7,934,099	11,512,238
Louisiana	0	193,090	196,537
Maryland	0	494,448	497,630
Mississippi	0	46,076	46,076
Missouri	0	491,112	494,728
Montana	596,904	194,864	792,683
New Mexico	216,536	333,464	582,180
North Dakota	260,836	253,164	515,790
Ohio	0	2,879,552	2,882,612
Oklahoma	0	816,000	818,350
Pennsylvania	0	9,656,400	9,661,141
Texas	0	925,000	926,258
Utah	1,012,871	239,823	1,255,093
Virginia	75,818	2,623,396	3,226,304
West Virginia	0	2,643,832	2,646,932
Wyoming	1,022,727	197,273	1,221,500
Total	\$4,166,173	\$35,701,884	\$44,295,486

* Includes obligations for AVS, TIPS, Kentucky Settlement Agreement, and other Title V cooperative agreements.

Table 8
Regulatory Grant Funding
1989 Obligations

State	Federal Lands	Non-Federal Lands (Federal Share)	Total Federal Funding*
Alabama	\$4,000	\$1,221,403	\$1,225,403
Alaska	0	216,800	216,800
Arkansas	0	168,312	168,312
Colorado	894,418	230,380	1,124,798
Illinois	73,498	1,831,501	1,904,999
Indiana	0	1,338,401	1,338,401
Iowa	0	165,248	165,248
Kansas	0	276,649	276,649
Kentucky	0	8,807,872	8,807,872
Louisiana	0	191,665	191,665
Maryland	0	495,633	495,633
Mississippi	0	50,684	50,684
Missouri	0	329,420	329,420
Montana	350,103	119,897	470,000
New Mexico	334,488	238,113	572,601
North Dakota	184,701	190,299	375,000
Ohio	0	2,868,394	2,868,394
Oklahoma	0	883,990	883,990
Pennsylvania	0	10,600,000	10,600,000
Texas	0	744,298	744,298
Utah	1,091,107	262,494	1,353,601
Virginia	40,086	3,269,914**	3,310,000
West Virginia	0	3,196,151	3,196,151
Wyoming	907,787	176,056	1,083,843
Total	\$3,880,188	\$37,873,574	\$41,753,762

* Includes obligations for AVS, TIPS, Kentucky Settlement Agreement, and other Title V cooperative agreements.
** Includes \$215,122.72 for Technical Data Management Grant

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 a State if:

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

Although OSM encourages and supports State primacy in the regulation of surface coal mining and reclamation operations, certain States with coal reserves elected not to submit or maintain regulatory programs. These States thus became federal program States, with surface coal mining and reclamation operations regulated by OSM. On July 13, 1988 (53 FR 26570), OSM promulgated a federal program for California, bringing the total of federal program States to eleven. Full federal programs were previously in effect in Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. Of the federal programs, only Tennessee, Washington, and California have active coal mining.

Table 9 summarizes OSM's regulatory actions in Tennessee, Washington, and California for 1988-1989.

Table 9
Federal Regulatory Programs For States With Active Programs
1988-1989 (July 1, 1987-June 30, 1989)

	Tennessee		Washington		California	
	1988	1989	1988	1989	1988	1989
Permits						
New Permits Issued	22	26	0	1	0	0
Permits Suspended	1	1	0	0	0	0
Permits Revoked	0	0	0	0	0	0
Inspections						
Inspectable Units	934	766	4	4	3	3
Complete Inspections	3,948	3,347	52	46	3	5
Partial Inspections	4,338	3,563	0	0	3	24
Citations Issued						
Notices of Violation	501	486	1	0	2	0
Failure-to-abate Cessation Orders	175	132	1	0	2	0
Imminent Harm Cessation Orders	8	11	0	0	0	0
Bonds*						
Final Bonds Released	30	3	0	0	0	0
Forfeitures Initiated	19	11	0	0	0	0
Bonds Collected	3	7	0	0	0	0
Default Sites Reclaimed	0	1	0	0	0	0
Designation of Lands Unsuitable for Mining						
Petitions Received	1	1	0	0	0	0
Acres Designated Unsuitable	0	0	0	0	0	0

*Permanent Program Sites only

FEDERAL OVERSIGHT OF STATE REGULATORY PROGRAMS

SMCRA Section 517(a) states that OSM shall make such inspections as are necessary to evaluate the administration of approved State programs. In meeting this requirement, OSM reviews permits, conducts oversight inspections of mine sites, and undertakes special studies on topics of concern in the 24 States with approved primacy programs. Oversight inspections are conducted on a random sample basis. If OSM has reason to believe a violation of the 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 can immediately inspect and issue a cessation order). OSM notifies the State of a possible violation with a "10-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. During evaluation years 1988-1989, States responded appropriately to alleged violations cited in 10-day notices by taking appropriate action or showing good cause nearly 95 percent of the time. In the relatively few instances where OSM determines that a State has not taken appropriate action or shown good

cause, a federal inspection is then conducted and, if a violation is found to exist, a federal notice of violation or cessation order is then issued. On July 14, 1988, OSM amended regulation Sections 842 and 843 (53 FR 26728-26744) establishing a uniform standard to evaluate State responses to federal notices of possible violations. This rule also established an informal review process for a State to request a review of a Field Office Director's determination that a State's response to a 10-day notice did not constitute either appropriate action or good cause. During 1988-89, significant changes began to be implemented. These changes included reduced requirements for the Field Office Director's report on each State program, an emphasis on oversight tailored to specific areas under each State program based on perceived need or follow-up to prior problems, and the use of action plans developed jointly between Field Office Directors and States to resolve problems when they occur.

Tables 10 and 11 summarize OSM's oversight inspection and enforcement activities during 1988 and 1989.

Table 10
Federal Oversight of State Programs
1988 (July 1, 1987-June 30, 1988)

State	Number of OSM Inspections		Possible Violations Contained In 10-Day Notices			Violations Cited In OSM Enforcement Actions		
	Random	Other	Total*	State Actions Pertaining To Alleged Violations Appropriate	Inappropriate	Pending	NOV's**	CO's***
Alabama	169	91	8	8	0	0	0	0
Alaska	1	5	1	1	0	0	0	0
Arkansas	22	9	1	1	0	0	0	0
Colorado	38	17	30	28	2	0	1	0
Illinois	57	61	17	13	4	0	0	0
Indiana	175	70	54	54	0	0	0	0
Iowa	14	13	13	11	2	0	0	0
Kansas	18	4	0	0	0	0	0	0
Kentucky	435	581	218	188	15	15	10	5
Louisiana	1	1	0	0	0	0	0	0
Maryland	62	3	0	0	0	0	0	0
Missouri	52	17	10	7	1	2	0	0
Montana	24	3	1	0	1	0	0	0
New Mexico	10	2	10	9	1	0	0	0
North Dakota	39	4	0	0	0	0	0	0
Ohio	246	49	17	15	2	0	1	0
Oklahoma	109	91	13	12	1	0	1	1
Pennsylvania	415	405	46	38	7	1	0	0
Texas	12	13	4	4	0	0	0	0
Utah	24	3	81	69	12	0	3	0
Virginia	288	107	1	1	0	0	0	0
West Virginia	353	319	29	28	0	1	0	0
Wyoming	28	16	1	0	1	0	1	0

* Totals reflect data only from 10-day Notices resulting from random sample inspections

** Notices of Violation

*** Imminent Harm or Failure-to-Abate Cessation Orders

Table 11
Federal Oversight of State Programs
1989 (July 1, 1988-June 30, 1989)

State	Number of OSM Inspections		Possible Violations Contained in 10-Day Notices				Violations Cited in OSM Enforcement Actions	
	Random	Other	Total	State Actions Pertaining to Alleged Violations			NOV's*	CO's**
				Appropriate	Inappropriate	Pending		
Alabama	163	63	10	10	0	0	0	0
Alaska	1	0	0	0	0	0	0	0
Arkansas	5	6	3	2	0	0	0	0
Colorado	19	2	3	3	0	0	0	0
Illinois	58	42	48	48	0	0	0	0
Indiana	196	81	73	68	0	5	0	0
Iowa	13	1	7	7	0	0	0	0
Kansas	17	2	4	4	0	0	0	0
Kentucky	432	482	180	159	11	10	11	5
Louisiana	1	1	0	0	0	0	0	0
Maryland	60	12	5	5	0	0	0	0
Missouri	43	7	10	10	0	0	0	0
Montana	7	0	4	4	0	0	1	0
New Mexico	7	0	3	3	0	0	0	0
North Dakota	17	0	0	0	0	0	0	0
Ohio	283	68	73	68	5	0	2	0
Oklahoma	82	71	23	22	0	1	0	0
Pennsylvania	350	422	30	20	1	9	1	1
Texas	12	3	2	2	0	0	0	0
Utah	16	3	19	18	1	0	1	0
Virginia	298	65	11	9	1	1	1	1
West Virginia	344	467	168	125	17	26	5	3
Wyoming	17	2	1	1	0	0	0	0

*Notices of Violation
** Imminent Harm or Failure-to-Abate Cessation Orders

REGULATION OF SURFACE MINING ON FEDERAL AND INDIAN LANDS

FEDERAL LANDS PROGRAM

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. On February 16, 1983, OSM promulgated the current federal lands program.

The federal lands program is critical because the Federal Government owns significant coal reserves, primarily in the West, whose development 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 region, 60 percent is federally owned.

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 through cooperative agreements. By the end of 1988, the Secretary had entered into cooperative agreements with Alabama, Colorado, Illinois, Montana, New Mexico, North Dakota, Ohio, Utah, Virginia, West Virginia, and Wyoming. In 1989, a cooperative agreement was signed with Oklahoma.

Once the Secretary and the State have a signed cooperative agreement, the State regulatory authority assumes responsibility under SMCRA for permitting, inspection, and enforcement for surface coal mining activities

on federal lands in that State. OSM then maintains an oversight function to ensure that the regulatory authority fully exercises its delegated responsibility under the cooperative agreement. In States not having a cooperative agreement, the required permitting, inspection, and enforcement activities under SMCRA are carried out by OSM. During 1988, 18 new permits were issued for mining and reclamation on federal lands; 21 were issued in 1989.

INDIAN LANDS

Section 710 of SMCRA requires Congressional enactment of enabling legislation before Indian tribes can seek to assume primacy for regulation of mining operations on Indian lands. Until such legislation is enacted and the Indian tribes obtain primacy, OSM regulates coal mining operations on Indian lands pursuant to Section 710 of SMCRA. Mines on the Navajo and Hopi Reservation are within the responsibility of OSM's Field Office in Albuquerque, New Mexico.

For the Crow Ceded Area in Montana, OSM and the Montana Department of State Lands have developed a Memorandum of Understanding under which the State and OSM cooperatively administer the applicable surface mining requirements, including the permitting and inspection functions. The mine on the Crow Ceded Area is within the responsibility of OSM's Field Office in Casper, Wyoming. Table 12 provides statistics on regulatory activities on Indian lands during 1988 and 1989.

Table 12
Regulatory Activities On Indian Lands
1988-1989

	1988	1989
Indian lands in Arizona and New Mexico		
Total permits	5	6
Inspectable Units (All lands)	8	9
Total Inspections (Partial and Complete)	72	72
Enforcement Actions (Notices of Violations issued)	16	8
Indian lands in Montana		
Total Permits	1	1
Inspectable Units (All lands)	1	1
Total Inspections (Partial and Complete) *	14	12
Enforcement Actions (Notices of Violations issued)	0	0

* All inspections (Partial and Complete) are conducted jointly by the Montana Department of State Lands and the OSM Casper Field Office

HEARINGS AND APPEALS

The Secretary of the Interior has the obligation under SMCRA to provide administrative review of OSM's actions, including the opportunity for hearings governed by the Administrative Procedure Act. The administrative review function of the Secretary has been delegated to the Department's Office of Hearing and Appeals (OHA).

OHA consists of a Hearings Division -- staffed by administrative law judges who hold hearings under the Administrative Procedure Act -- and several appeals boards established to review appeals arising from initial decisions of administrative law judges or from decisions of certain program bureaus within the Department of the Interior. OHA is not part of OSM.

The headquarters for OHA is in Arlington, Va., where the chief administrative law judge and an administrative law judge charged with OSM matters maintain their offices. Two Hearings Division field offices, each staffed by an administrative law judge, currently handle OSM matters expeditiously in the eastern and midwestern United States. Those offices are located in Pittsburgh, Pa., and Knoxville, Tenn. A field office in Salt Lake City, Utah, provides administrative law judges to conduct hearings in the western states.

The Interior Board of Land Appeals is composed of Administrative Judges and is also located in Arlington, Va. The Board performs the appellate functions of the Secretary under SMCRA.

Any person adversely affected by a written decision of the Director of OSM, or by a delegate of the Director, may appeal to the Board directly where the decision specifically grants such right to appeal. Administrative review under SMCRA has presented the administrative law judges and the Board with a variety of issues for resolution. The Board handled disputes and clarified questions that have arisen over SMCRA implementation and its regulations, resulting in the resolution of 57 cases in 1988 and 45 cases in 1989.

KENTUCKY SETTLEMENT AGREEMENT

In September 1987, a Settlement Agreement was reached between the National Wildlife Federation et al. and the Commonwealth of Kentucky.

The Department of the Interior, the Commonwealth of Kentucky, and environmental and industry groups participated in negotiations on the Settlement Agreement. At the same time, a Supplemental Memorandum of Understanding was entered into between OSM and Kentucky. Congressional authorization for funding was approved in December 1987 for \$12,900,000 and OSM and Ken-

tucky signed a three-year Cooperative Agreement covering funding on February 23, 1988. This cooperative agreement provides \$10,540,000 for the accomplishment of tasks and additional duties enumerated in the Settlement Agreement and the Supplemental Memorandum of Understanding. The remaining funds are being used by OSM for background studies of hydrology and acidity problems and for the development of bond release training.

An important requirement of the Settlement Agreement is the aerial overflight program. This requires that all permanent program surface coal mining operations without a Phase II bond release be overflowed and videotaped. Kentucky is reviewing all videotapes and conducting follow-up inspections to determine if violations exist on the ground. Where it is determined that an inspector is not fulfilling the requirements of his or her position, training or other appropriate personnel action is being taken.

Other provisions within the Settlement Agreement and Supplemental Memorandum of Understanding include: upgrading of computer systems; one-time inspection and photographing of all interim program permits and on-site construction exemptions; continuing the issuance of Failure-To-Abate Cessation Orders; assessment of \$750.00/day penalties; development of computer tracking for unabated Cessation Orders, with alternative enforcement follow-up; development of an inventory of exploration notices/permits, and taking enforcement action where abuses have occurred; denying or suspending permits in accordance with the Applicant Violator System; conducting a special study on sites thought to have prematurely or improperly released bonds; and developing an overall approach for combating illegal mining.

Kentucky has made significant progress in implementing the requirements of the three agreements. The added support has led to innovative methods of mine inspection and data processing and has placed Kentucky in a position of technical sophistication. A spirit of cooperation has grown, resulting in improvement of the Kentucky regulatory program and an increase in voluntary compliance throughout the Kentucky coal industry.

PENNSYLVANIA ANTHRACITE REGULATORY PROGRAM

Section 529 of SMCRA provides an exception from federal performance standards for anthracite coal mining operations provided State law governing these operations was in effect on August 3, 1977. Pennsylvania is the only State with an established regulatory program qualified for exception, and which thus regulates anthracite mining independent of permanent program standards.

The Pennsylvania anthracite coal region is located in the northeast quarter of the State and covers approximately 3,300 square miles, where 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 dipping more than 60 degrees. Such seams require highly specialized mining techniques, and present unique challenges for solving such problems as mine subsidence associated with abandoned anthracite mines.

Anthracite mining produces about 5.5 million tons per year, about 7.5 percent of Pennsylvania's annual coal production. The Pennsylvania anthracite program covers 486 inspectable units permitting over 95,000 acres, including 122 underground mines, 185 surface mines, 161 reprocessing operations, and 18 permitted preparation plants.

Pennsylvania has fully addressed conditionally approved provisions of the anthracite program through subsequent program revisions. The one remaining condition, relating to prime farmlands, is the subject of present rule making scheduled to be completed early in FY 1990. Anthracite program permitting, inspection, and enforcement has experienced continued improvement. The anthracite program maintains inspection frequency at required levels, conducted through well-documented inspections. The inspection program continues to identify non-compliance at mine sites in accordance with violation categories based on seriousness. Enforcement response to non-compliance has been successful in causing violation abatement. Citizen complaint response is timely and fully responsive to stated concerns.

Anthracite program permitting efforts have concentrated on two areas, small underground operations and preparation plants. Pennsylvania has successfully applied program permitting and performance standards to a class of small underground operations which historically have operated without regard to regulatory requirements. As a result of a comprehensive effort to locate, review, and systematically apply enforcement provisions, including permanent cessation orders, all such operations have been permitted or the mine openings sealed. Anthracite preparation plants are under review for appropriate enforcement on permitting action in response to a program amendment approved during July 1989.

RECLAMATION AWARD PROGRAM

To give well-earned public recognition to the people responsible for the Nation's most outstanding achievements in environmentally sound surface mining and land reclamation, OSM initiated the annual Excellence in Surface Coal Mining and Reclamation Awards in 1986. That year

nine companies received awards for exemplary performance under SMCRA. In 1987, seven national reclamation awards were presented. For 1988, eight awards were presented to the winning coal mine operators by Secretary of the Interior Manuel Lujan, Jr., at the National Coal Association's annual meeting in White Sulphur Springs, West Virginia.

National public acknowledgement of these outstanding operators:

- Promotes their exemplary performance using standard reclamation practices;
- Recognizes the development and implementation of new reclamation technologies;
- Encourages wider use of the best reclamation technology through information exchange and technology transfer;
- Provides the public with a better understanding of mined-land reclamation achievement under SMCRA; and
- Encourages voluntary action by coal mine operators that goes beyond minimum compliance with regulatory requirements to protect the environment and manage coal resource recovery.

During 1988, in addition to presenting the Excellence in Surface Coal Mining and Reclamation Awards, OSM initiated the Director's Award, a special award given annually at the discretion of the Director to one mining company in recognition of exemplary corporate commitment to the environment.

The 1988 winners were:

The Director's Award

Texas Utilities Mining Company, Big Brown Mine, Fairfield, Texas.

Excellence in Surface Coal Mining and Reclamation Awards

Kerr-McGee Coal Corp., Jacobs Ranch Mine, Gillette, Wyoming.

The Sabine Mining Company, Longview, Texas.

Fuel Fabricators, Inc., preparation plant, Bigler, Pennsylvania.

Drummond Coal Company, Mill Creek Mine, Jasper, Alabama.

B & N Coal Company, Dexter City, Ohio.

The Rogers Group and Black Beauty Coal Company, Arlen #1 Mine, Epsom, Indiana.

The Carter Mining Company, Caballo and Rawhide Mines, Gillette, Wyoming.

Aloe Coal Company, Neville Island, Pennsylvania.

Selection of the 1989 winners will be made in the spring of 1990. The announcement and presentation of awards to companies with the winning operations will be made at a national meeting immediately following the selection.

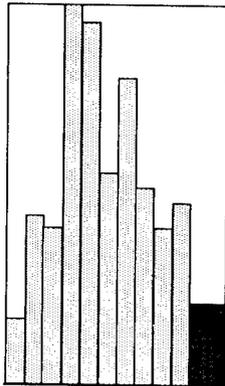
In July 1989, OSM received a Take Pride In America award for its successful implementation of this reclamation award program. This Take Pride award recognized the motivation and incentive the program provides in encouraging the mining industry's commitment to stewardship of the land.

ADDITIONAL INFORMATION

- Kentucky Natural Resources & Environmental Protection Cabinet, and the Office of Surface Mining, 1988. *Kentucky Cooperative Agreement: Progress Report - February 23, 1988-September 30, 1988*: Office of Surface Mining, Lexington Field Office, Lexington, Kentucky, 50 pp.
- Kentucky Natural Resources & Environmental Protection Cabinet, and the Office of Surface Mining, 1989. *Kentucky Cooperative Agreement: Progress Report #2 - October 1, 1988-March 31, 1989*: Office of Surface Mining, Lexington Field Office, Lexington, Kentucky, 33 pp.
- Kentucky Natural Resources & Environmental Protection Cabinet, and the Office of Surface Mining, 1989. *Kentucky Cooperative Agreement: Progress Report #2 Appendices - October 1, 1988-March 31, 1989*: Office of Surface Mining, Lexington Field Office, Lexington, Kentucky, 86 pp.
- U.S. Dept. of the Interior, 1989. *United States Department of the Interior Take Pride in America Departmental Awards Ceremony*: U.S. Dept. of the Interior, Washington, D.C., 14 pp.
- U.S. Dept. of the Interior, 1989. *1988 Excellence in Surface Coal Mining and Reclamation Awards: A report on the award winning surface mining and reclamation operations under Title V of the Surface Mining Control and Reclamation Act of 1977*: Office of Surface Mining, Washington, D.C., 25 pp.
- U.S. Dept. of the Interior, 1989. *1988 Excellence in Surface Coal Mining and Reclamation Awards Video* -- A VHS video tape describing the 1988 winning reclamation operations: Office of Surface Mining, Washington, D.C.

5. TECHNICAL ASSISTANCE

RESEARCH



Number of Research Projects Funded 1978-89

To enable mine operators and State and federal regulators to do a better job of handling everyday problems arising when implementing SMCRA, OSM conducts research studies to provide solutions to such problems. Studies are directly related to the implementation of Title V regulations affecting active mining operations. The research is short-term, providing practical answers to specific problems. In FY 1988 OSM provided \$883,000 to universities for the completion of the following projects:

- Development of a procedure to determine the integrity of surface water quality in streams of coal-producing regions.
- Evaluation of the relationship of compaction and soil physical parameters to the productivity of reclaimed soils.
- Development of techniques to reduce soil compaction in reclaimed soils.
- Development of a surface mining data base and data-base management system for storage, manipulation, and retrieval of surface mining data.
- Maintenance of compaction alleviation in mineland soil.
- Modification of the Baker Soil Test to provide efficient, successful establishment of vegetation on mine soils.

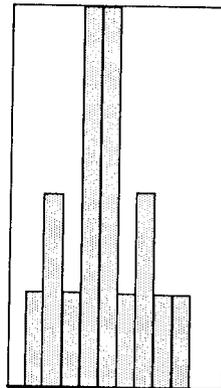
In FY 1989 OSM research funding decreased to \$700,000 and included the following projects:

- Evaluation and quantification of risk confronted by surety companies underwriting reclamation bonds.
- Use of productivity indices to estimate the yield potential of disturbed soils.
- Evaluation of parameters affecting acid mine drainage production on a micro, field, and regional scale.

- Improving the characterization of sulfur in overburden and coal using state-of-the-art technology.
- Indices for indirect estimates of productivity of three crops.
- The effect of alternative and reclaimed areas on the value of wetlands.

Projects completed during FY 88-89 resulted in eight contractor publications listed at the end of this section and identified with an asterisk. These publications and other technical reports are distributed upon request from OSM Eastern and Western Field Operations. Published reports are available from the National Technical Information Service (NTIS).

EXPERIMENTAL PRACTICES



Experimental Practices Started 1978-89

Section 711 of SMCRA allows alternative experimental mining and reclamation practices that do not comply with section 515 and 516 performance standards, as a way of encouraging advances in mining technology or of allowing industrial, commercial, residential, or public postmining land uses. However, the experimental practices must be shown to meet all other standards established by SMCRA, and to maintain protection to 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 OSM.

Although there were no experimental practices initiated during the FY 1988-89 period, 3 practices were completed. These projects included:

- A small excess spoil fill constructed with no underdrains on top of existing soil (SIMCO mine, Peabody Coal Co., Ostego County, Ohio). To date, the spoil fills have shown no signs of slippage or weakness. The final appearance of the fill is a valley with gentle slopes that blend with the surrounding terrain. The experimental practice resulted in geotechnically stable fills and the savings in mining and reclamation costs by the operator were substantial.
- Development of a wetlands habitat over a slurry pond without the standard four feet of non-toxic and

non-acidic cover (Ayrshire Mine, AMAX Coal Co., Warrick County, Indiana). The 57-acre slurry impoundment has resulted in 37 acres of wetlands. Two zones produce an excellent environment for establishing a diverse community of shoreline emergent, submerged, and floating wetland vegetation. OSM considers this experimental practice highly successful and is urging further demonstration of this practice to provide sufficient data to substantiate regulatory change.

- Alternative excess spoil and drainage control practices (Amos Ridge Mine, Amos Ridge Coal Co., Wise County, Virginia). The Amos Ridge operation has received awards for its quality of reclamation, and the media has focused much favorable attention on the site. One reason is the land use potential of the reclaimed experimental practice site where steep pre-mining slopes were replaced with extensive near-level areas. Such flat lands are particularly important in this area where steep topography limits land use and non-coal economic development.

INDIA PROJECT

In 1984, through the United States-India Fund (USIF), OSM received Rupees equivalent to \$420,000 for mining and reclamation technology transfer. Working directly with the Government of India, OSM planned three research projects:

- A conceptual environmental management plan for the Jharia Coal Field, including reclamation of existing unreclaimed lands in operation for approximately 100 years.
- A conceptual environmental management plan for the Singrauli Coal Fields. This project will result in the development of contemporaneous reclamation standards for a relatively new coal field.
- An environmental model for water quality resulting in treatment facilities for improved water quality in the Jharia Coal Field. The Environmental Protection Agency (EPA) is assisting with this project.

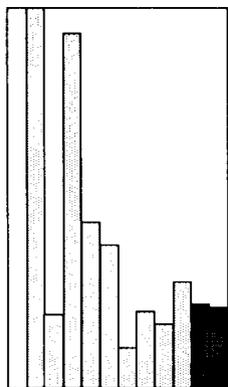
During 1988-89, OSM signed contracts with the Government of India to begin the work. Workshops to provide training in development of environmental management plans have been organized and are scheduled for presentation by OSM technical staff early in 1990.

TECHNICAL TRAINING

In FY 1988, nationwide training of federal, State, and private surface coal mining regulatory and abandoned mine land personnel continued. One new course, Historic & Archeological Preservation, along with 11 existing courses, made up the curriculum that was attended by 1,272 participants at 60 sessions. The existing courses were: Applied Hydrology for Permit Review; Blasting and Inspection; Enforcement Procedures; Engineering Principles for Program Personnel; Instructor Training; Management, Operational Development and Evaluation; Remote Sensing; Soils and Revegetation; Surface and Groundwater Hydrology; Technical Writing; and Underground Mining Technology and Effects.

In FY 1989, 11 courses were offered, including two new courses on Inspection for Bond Release, and Spoil Handling and Disposal Practices in Steep Slope Areas. Attendance by State personnel increased to 82 percent of this year's enrollment; 1,249 participants attended 60 sessions.

Small-Mine Operator Assistance Program (SOAP)



Soap Funds Expended
1978-89

Section 401(b)(1) of SMCRA authorizes up to 10 percent of the fees collected for the Abandoned Mine Reclamation Fund to be used for technical assistance to help qualified small mine operators obtain technical data needed for permit applications. Operators who produce more than 250 tons but less than 100,000 tons of coal per year are eligible for assistance. SOAP helps operators meet requirements for determination of the probable hydrologic consequences of proposed mining operations and gives

them a statement of the results of test borings or coal samplings. The "determination" is an analysis of the effect of the proposed operation on the quantity and quality of surface and ground water. The "statement" is

an analysis of the overburden, coal, and affected aquifers and clay zones below the coal needed to provide information on their chemical and physical makeup, especially if acid- and toxic-producing materials are present.

The data are collected and analyzed by qualified laboratories and consulting firms. OSM originally approved 379 laboratories throughout the U.S. Qualification of laboratories is now accomplished by the State regulatory authorities.

Regulations for SOAP place responsibility for the program with the States that have approved permanent programs. In States with federal programs, OSM operates a SOAP. Small operators receiving assistance totaled 156 in 1988 and 153 in 1989. Table 13 provides a breakdown of SOAP grant awards by State and Indian tribe during fiscal years 1988 and 1989.

Table 13
Small Operator Assistance Program
Fiscal Years 1988 and 1989 Grant Awards

State or Indian Tribe	FY 1988	FY 1989
Alabama	\$0	\$0
Alaska	0	0
Arkansas	0	0
California	0	0
Colorado	0	0
Georgia	0	0
Illinois	20,000	20,000
Indiana	67,000	42,000
Iowa	0	0
Kansas	0	0
Kentucky	0	0
Louisiana	0	0
Maryland	0	25,000
Missouri	0	0
Montana	0	0
New Mexico	15,000	0
North Dakota	0	0
Ohio	0	510,000
Oklahoma	0	0
Pennsylvania	1,300,000	750,000
Tennessee	0	0
Texas	0	0
Utah	40,000	0
Virginia	60,000	20,000
Washington	0	0
West Virginia	90,000	186,000
Wyoming	0	0
Crow Tribe	0	0
Hopi Tribe	0	0
Navajo Tribe	0	0
Total	\$1,592,000	\$1,553,000

ADDITIONAL INFORMATION

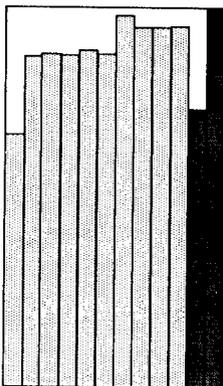
- *Brader, John S. et al., 1989. *Water Resources of the Guyandotte River Basin, West Virginia*: U.S. Geological Survey and the West Virginia Geological and Economic Survey, Reston, Virginia, 130 pp.
- Burnett, Mackenzie, and Jesse C. Craft, 1988. *A pneumatic ejection for backfilling underground mines through boreholes*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 40 pp.
- Elder, Curtis, 1988. *A manual for methane gas emission control during abandoned mine subsidence*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 46 pp.
- *Feagley, Samuel, 1988. *Minesoil sample analysis for the regulatory compliance evaluation in Louisiana*: Louisiana State University, Baton Rouge, Louisiana, 29 pp.
- *Harris, Steven C., Robert W. Hanley, Kenneth Tennesen, and Patrick E. O'Neil, 1987. *Aquatic invertebrates in the Warrior coal basin in Alabama - Bulletin 127*: Alabama Geological Survey, Tuscaloosa, Alabama, 303 pp.
- *Hassell, Wendell G., 1987. *Plant Materials Handbook*: U.S. Department of Agriculture, Soil Conservation Service, Washington, D.C., 458 pp.
- *Koppelaar, David, 1988. *Minesoil sample analysis for the regulatory compliance evaluation in Texas*: University of Texas, Austin, Texas, 32 pp.
- *Mettee, Maurice F., Patrick E. O'Neil, Malcolm J. Pierson, and Royal D. Suttkus, 1989. *Fishes of the Black Warrior River system in Alabama - Bulletin 133*: Alabama Geological Survey, Tuscaloosa, Alabama, 201 pp.
- *Myers, Jeffrey C., 1988. *A geostatistical analysis of sampling adequacy for regraded spoil sampling programs*: Estox Inc. Golden, Colorado, 34 pp.
- *Skousen, Jeff, 1988. *An evaluation of methods for determining pasture and hay production on reclaimed surface mines*: University of West Virginia, Morgantown, West Virginia, 32 pp.
- U.S. Dept. of the Interior, 1989. *A Guidance manual on subsidence control*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 125 pp.
- U.S. Dept. of the Interior, 1989. *Experimental Practices: Approval Procedures, Monitoring and Data Collection, Case Histories*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 48 pp.
- U.S. Dept. of the Interior, 1989. *Hydrologic handbook for the Federal Program for Tennessee*: Office of Surface Mining, Division of Tennessee Permitting, Knoxville, Tennessee, 64 pp.
- U.S. Dept. of the Interior, 1989. *Mine Map Repositories*: Office of Surface Mining, Washington, D.C., 8 pp.
- U.S. Dept. of the Interior, 1988. *Request for Additional Demonstrations of Experimental Practice On Direct Planting of Slurry Impoundments*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 4 pp.
- U.S. Dept. of the Interior, 1988. *Technical Assistance Program*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, (Flyer).
- U.S. Dept. of the Interior, 1989. *Technical Notes: A technology transfer medium for ideas and solutions to reclamation problems resulting from coal mining activities*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, (Flyer).
- Welsh, Robert, and Michael Robinson, 1988. *Evaluation of durability testing techniques for rock underdrain material used in Appalachian surface coal mining valley fills*: Office of Surface Mining, Eastern Field Operations, Pittsburgh, Pennsylvania, 13 pp.

* Contractor reports from research completed during 1988-1989.

6. ABANDONED MINE LAND PROGRAM

Title IV of SMCRA--the Abandoned Mine Land (AML) Program--provides for the restoration of lands mined and abandoned or left inadequately restored before August 3, 1977, with priority given to projects that alleviate dangers to public health and safety.

AML FUND

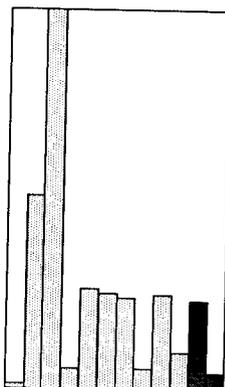


AML Fund Collections 1978-89

Production fees are paid on all active coal mining operations and are deposited in the Abandoned Mine Reclamation Fund, which is used to pay reclamation costs of the AML projects. Since the first fees were paid on January 30, 1978, for the 4th quarter of 1977, the fund has collected \$2,444,203,902 through the third quarter of 1989. In addition to the reclamation fees paid by the coal industry, the fund also receives donations, user charges, and other recovered amounts such as late payment fines. In FY 1988 these sources totaled \$1,629,256 and for FY 1989 they totaled \$999,001.

Expenditures from the fund are made through the regular budgetary and appropriations process. SMCRA specifies that 50 percent of the reclamation fees collected in each State with an approved reclamation program are to be allocated to that State for use in its reclamation program. This 50 percent is designated the State share of the Fund. The remaining 50 percent (the federal share) is used by OSM to complete high priority and emergency projects under its Federal Reclamation Program, to fund the Rural Abandoned Mine Program (RAMP) administered by the U.S. Department of Agriculture, to fund the Small Operator Assistance Program (SOAP), and to fund reclamation directly through State reclamation programs. In 1988, distribution of federal share money to the State reclamation programs was achieved using a formula based on each State's estimated total reclamation cost of all completed and remaining priority 1 and 2 projects in the National AML Inventory, and on the quantity of historic coal production in each State. In 1989, at the direction of Congress, the formula used only historic coal production. Tables 14 and 15 show fee collections and funding by States for 1988 and 1989.

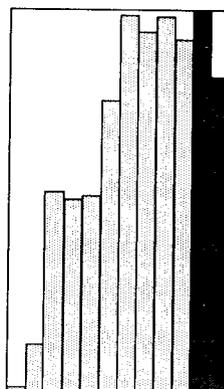
FEDERAL RECLAMATION PROGRAM



Interior Department Projects 1978-89

Until States or Indian tribes received approval of their AML programs, all reclamation was carried out as Department of the Interior projects administered by OSM. However, as State programs were approved beginning in 1980, and as the States assumed responsibility for correcting AML problems, OSM has greatly reduced its participation in this portion of the program. During 1988-89, 46 Interior Department projects were started. These high priority projects were principally in non-program States and to a lesser extent on Indian lands.

EMERGENCY PROJECTS



OSM Emergency Projects 1978-89

Emergency projects are those involving abandoned coal mine lands that present an immediate danger to the public health, safety, or general welfare and that require immediate action.

Since the beginning of the program, OSM has encouraged States to take over emergency project responsibility in their States. Beginning in 1983, Arkansas and Montana assumed emergency project responsibility, followed by Illinois in 1984. During 1988-89, Kansas, Virginia, and West Virginia took over responsibility for their emergency projects. In 1989, OSM established a new emergency program policy that provided federal share funds, in addition to the formula-based allocation, to States with emergency programs.

During 1988 and 1989, it has been OSM policy to stabilize the emergency portion of AML problems permanently, and then to refer any remaining work at the site to the State for consideration under its regular AML reclamation program. OSM initiated 218 emergency projects in 1988 and 162 in 1989, while States with emergency programs initiated 12 in 1988 and 86 in 1989.

During 1988, OSM began an annual evaluation of completed federal reclamation projects. The objective was to identify abatement or control methods that have been effective over time as well as those with demonstrated de-

Table 14
AML Fee Collections and Funding
1988

State or Tribe	Fees Collected	Federal Projects	RAMP Projects	State Share Allocation	Federal Share Allocation
Alabama	\$4,446,474	\$57,230	\$571,148	\$4,080,314	\$1,078,894
Alaska	431,545	0	0	240,722	107,570
Arkansas	21,096	0	675,000	51,756	1,448,244
Colorado	3,046,059	12,063	0	1,938,918	554,102
Georgia	0	62,815	0	0	0
Illinois	9,709,436	0	115,000	7,709,049	3,353,646
Indiana	7,945,726	425,569	119,924	4,089,471	1,421,839
Iowa	93,658	0	0	0	1,500,000
Kansas	331,233	437,935	0	0	1,088,973
Kentucky	26,339,994	3,442,588	1,599,604	12,412,279	4,952,216
Louisiana	216,772	0	0	90,519	0
Maryland	668,616	1,515	457,000	285,527	1,214,473
Michigan	0	397,920	0	0	0
Missouri	1,107,536	0	0	0	1,500,000
Montana	9,923,650	0	0	8,391,703	270,500
New Mexico	2,377,527	30,555	0	2,092,208	185,052
North Carolina	0	124,334	0	0	0
North Dakota	2,125,634	0	50,744	1,070,225	429,775
Ohio	6,955,018	871,326	1,219,564	2,116,323	2,656,630
Oklahoma	560,984	512,918	521,772	372,821	1,127,179
Pennsylvania	12,473,407	1,719,260	1,668,959	5,673,873	18,360,839
Tennessee	994,180	410,479	650,000	0	0
Texas	3,960,825	13,914	271,236	7,124,264	84,438
Utah	2,069,893	94,035	0	1,243,937	330,295
Virginia	6,429,618	1,012,794	538,358	1,393,482	2,047,347
Washington	1,342,006	251,801	0	0	0
West Virginia	19,351,826	2,260,914	1,794,943	9,736,878	18,555,388
Wyoming	39,821,735	0	0	21,115,756	0
Cheyenne River Sioux	0	269,403	0	0	0
Crow	517,534	0	0	162,575	0
Hopi	838,527	0	0	1,000,000	0
Navajo	5,271,867	0	0	5,000,000	0
Northern Cheyenne	0	48,041	0	0	0
Total	\$169,372,390	\$12,457,409	\$10,253,252	\$97,392,600	\$62,267,400

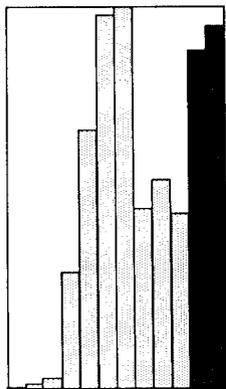
Table 15
AML Fee Collections and Funding
1989

State or Tribe	Fees Collected	Federal Projects	RAMP Projects	State Share Allocation	Federal Share Allocation	Emergency Allocation
Alabama	\$6,838,361	\$0	\$422,900	\$3,284,191	\$1,528,559	\$0
Alaska	515,152	0	0	251,955	18,649	0
Arkansas	45,403	0	492,600	0	1,000,000	10,000
California	5,976	0	0	0	0	0
Colorado	4,141,855	3,573	0	1,882,409	791,720	0
Georgia	1	52,510	0	0	0	0
Illinois	13,208,451	0	74,599	7,350,186	5,384,352	340,000
Indiana	10,393,661	480,204	122,433	4,462,318	1,690,285	0
Iowa	144,879	0	0	0	1,000,000	0
Kansas	164,721	331,137	0	407,120	57,538	400,000
Kentucky	35,387,170	5,896,203	1,392,647	16,393,455	2,992,615	0
Louisiana	272,520	0	0	93,291	0	0
Maryland	832,225	0	298,500	748,304	390,223	0
Michigan	0	32,015	0	0	0	0
Missouri	1,235,421	0	0	597,658	402,342	0
Montana	12,204,099	990	0	4,212,453	390,016	175,000
New Mexico	3,625,809	5,350	0	1,430,803	265,652	0
North Carolina	0	12,197	0	0	0	0
North Dakota	3,109,817	0	49,700	1,518,361	252,051	0
Ohio	8,762,066	1,077,142	908,106	4,242,866	2,449,305	0
Oklahoma	605,676	3,005	412,110	272,517	727,483	0
Pennsylvania	16,184,002	4,223,348	1,444,074	7,089,673	18,428,074	0
Tennessee	1,244,282	610,924	547,062	0	0	0
Texas	5,177,340	0	0	1,429,352	80,153	0
Utah	2,754,463	5,000	0	1,051,557	468,802	0
Virginia	9,746,003	537,222	398,025	4,068,364	1,193,900	50,000
Washington	1,714,634	273,471	0	0	0	0
West Virginia	29,910,382	1,125,830	1,428,000	11,054,833	8,936,958	600,000
Wyoming	57,730,326	4,824	1,047	24,566,796	0	0
Cheyenne River Sioux	0	370,000	0	0	0	0
Crow	818,207	0	0	172,666	0	0
Hopi	1,140,774	0	0	419,264	0	0
Navajo	7,361,782	0	0	2,635,933	0	0
Total	\$235,275,458	\$15,044,945	\$7,991,803	\$99,636,325	\$48,448,677	\$1,575,000

iciencies that need to be improved. A three-member team examined 55 of the 1,120 projects that were completed nationwide between 1978 and 1985. Results indicated 69 percent of the projects had very satisfactory reclamation and no recurring AML problems. Minor deficiencies were found in 22 percent of the projects and 9 percent had recurring AML problems. Deficiencies and problems were analyzed and recommendations provided to OSM staff to insure improvement in future projects. In 1989 the review team examined 12 projects (5 percent) from the 244 completed in 1986. Results of this review are not yet available.

Table 16 summarizes high priority and emergency project obligations by State for 1988 and 1989.

GRANTS TO STATES AND TRIBES



Grants & Cooperative Agreements 1978-89

Beginning with Texas in 1980, States have had their reclamation programs approved by OSM so that currently all primacy States except Mississippi have approved AML programs. During 1988 the Navajo and Hopi Tribe programs were approved, and in 1989 the Crow Tribe received approval for their program. States and the Tribes received grants totaling \$201,602,501 in 1988 and \$230,713,409 in 1989. In addition, the Crow and Hopi Tribes received \$617,066 during 1988, and the Crow Tribe received \$31,690 in 1989 for

the further development of their AML programs. Since 1981, when the States began receiving AML administrative grants to operate their programs and construction grants to complete reclamation projects, they have received \$1,323,794,957 from the Fund through 1989. Grant amounts for 1988 and 1989 are shown in Tables 17 and 18. On-the-ground coal mine reclamation accomplishments resulting from grant funding through 1988 are summarized in Table 19.

MINIMUM PROGRAM GRANT FUNDING

The minimum-level AML program was established by Congress in 1988 to ensure funding of existing high-priority projects in States whose annual State-share allocation is too small to administer a program and initiate reclamation of these projects.

Seven States, Arkansas, Iowa, Kansas, Maryland, Missouri, North Dakota, and Oklahoma, were eligible for and received minimum-level program funding during 1988-89. Authorized funding of the minimum-level program was \$1.5 million for 1988 and \$1.0 million for 1989. The minimum program portion of the grants to States, funded with federal share money, amounted to \$4,771,962 in

1988 and \$2,218,371 in 1989. Once minimum-level program States complete their high-priority projects listed in the National Inventory of AML Problems, annual funding is limited to State share money.

STATE SHARE SET-ASIDE GRANTS

Beginning in 1987, Public Law 100-34 authorized States to set aside up to 10 percent of the State-share portion of their annual AML reclamation grant. Set-aside money must be deposited into special trust funds, and is available, along with interest earned, for use by the State in reclaiming AML problems after August 3, 1992--the scheduled expiration date for the collection of AML reclamation fees.

In 1988, 5 States and the Navajo Tribe set aside \$3,978,176 and in 1989 6 States and the Navajo and Hopi Tribes set aside \$4,062,771.

SUBSIDENCE INSURANCE PROGRAM

Public Law 98-473 authorized the States and tribes having approved reclamation plans to use abandoned mine land funds for establishing self-sustaining, individually administered programs to insure private property against damages caused by land subsidence resulting from abandoned underground coal mines. Implementing rules were promulgated in February 1986. Under these rules, States can receive a one-time subsidence insurance grant of up to \$3 million, awarded from the State's share of the AML Fund. Through 1989, OSM has granted \$9,089,881 to the States of Colorado, Indiana, Kentucky, Ohio, West Virginia, and Wyoming to develop and administer subsidence insurance programs.

NATIONAL INVENTORY OF AML PROBLEMS

OSM was directed by Congress as part of the 1989 appropriation to conduct a review and revision of the existing National Inventory of Abandoned Mine Land Problems, and to improve the inventory's site evaluation and data consistency among States so the inventory could be used as a component in the 1990 allocation of funds. The FY 1989 OSM appropriation provided funding of up to \$2 million to implement this project. Since the Association of State AML Programs and a number of individual States were not interested in performing the effort, OSM undertook the project directly, utilizing \$1.5 million in reprogrammed funds. Due to the limited time and funds available, the project included only dangerous highwall, subsidence, and underground mine fire problems. These three areas account for three-quarters of the costs but only one-third of the problems in the inventory. This project is expected to be concluded early in FY 1990, following a review of preliminary results by the States.

Table 16
Interior Department Projects
1988-1989 Obligations

State or Tribe	1988		1989		1978-1989 Total
	High Priority	Emergency	High Priority	Emergency	
Alabama	\$6,030	\$51,200	\$0	\$0	\$13,993,114
Alaska	0	0	0	0	175,247
Arkansas	0	0	0	0	82,803
Colorado	0	12,063	0	3,573	1,802,955
Georgia	62,815	0	52,510	0	1,673,921
Illinois	0	0	0	0	5,375,249
Indiana	0	425,569	0	480,204	3,380,525
Iowa	0	0	0	0	146,239
Kansas	0	437,935	0	331,137	4,173,058
Kentucky	18,021	3,424,567	0	5,896,203	39,462,031
Louisiana	0	0	0	0	0
Maryland	0	1,515	0	0	1,879,802
Michigan	385,016	12,904	30,315	1,700	1,347,292
Missouri	0	0	0	0	7,707,578
Montana	0	0	990	0	1,271,799
New Mexico	0	30,555	0	5,350	2,408,065
North Carolina	124,334	0	12,197	0	205,407
North Dakota	0	0	0	0	1,773,945
Ohio	10,256	861,070	3,359	1,073,783	14,249,539
Oklahoma	482,116	30,802	0	3,005	458,839
Pennsylvania	190,229	1,529,031	16,932	4,206,416	71,103,959
Tennessee	84,934	325,545	610,924	0	11,125,923
Texas	0	13,914	0	0	269,288
Utah	94,035	0	5,000	0	248,024
Virginia	0	1,012,794	0	537,222	9,874,264
Washington	134,273	117,528	126,236	147,235	1,986,515
West Virginia	308,632	1,952,282	76,918	1,048,912	28,462,180
Wyoming	0	0	0	4,824	1,121,217
Cheyenne River Sioux	269,403	0	370,000	0	993,537
Crow	0	0	0	0	1,095,267
Hopi	0	0	0	0	1,003,105
Navajo	0	0	0	0	2,472,682
Northern Cheyenne	45,491	2,550	0	0	544,014
Total	\$2,215,585	\$10,241,824	\$1,305,381	\$13,739,564	\$231,867,383

Table 17
AML Grants* To Primacy States and Indian Tribes
1988

State or Tribe	Plan Preparation	Subsidence Insurance	10%Program Set-aside	Administration	Construction	Emergency
Alabama	\$0	\$0	\$0	\$3,870,271	\$3,214,420	\$0
Alaska	0	0	0	103,284	0	0
Arkansas	0	0	0	290,440	1,524,456	0
Colorado	0	0	193,892	813,118	1,920,996	0
Illinois	0	0	0	1,692,877	9,617,919	1,332,724
Indiana	0	0	0	1,106,802	450,000	0
Iowa	0	0	0	508,050	1,282,999	0
Kansas	0	0	0	403,586	1,200,105	0
Kentucky	0	0	0	5,222,258	10,086,000	0
Louisiana	0	0	0	113,853	0	0
Maryland	0	0	0	165,737	1,403,175	0
Missouri	0	0	0	891,305	5,201,789	0
Montana	0	0	839,170	2,066,972	5,332,943	0
New Mexico	0	0	209,220	810,857	1,857,924	0
North Dakota	0	0	0	430,489	1,459,622	0
Ohio	0	0	0	531,425	4,843,434	0
Oklahoma	0	0	0	420,114	2,110,479	0
Pennsylvania	0	0	0	12,935,844	34,344,015	0
Texas	0	0	0	1,181,799	0	0
Utah	0	0	124,394	491,220	1,608,258	0
Virginia	0	0	0	1,250,439	4,874,331	0
West Virginia	0	375,000	0	5,185,800	29,537,703	600,000
Wyoming	0	0	2,111,500	2,627,894	28,016,666	0
Crow	146,959	0	0	0	0	0
Hopi	125,000	0	0	370,225	379,780	0
Navajo	345,107	0	500,000	1,564,928	0	0
Total	\$617,066	\$375,000	\$3,978,176	\$45,049,587	\$150,267,014	\$1,932,724

*From 1988 Allocation and funds recovered or carried over from previous years.

Table 18
AML Grants* To Primacy States and Indian Tribes
1989

State or Tribe	Plan Preparation	Subsidence Insurance	10% Set-aside	Administration	Construction	Emergency
Alabama	\$0	\$0	\$0	\$1,887,420	\$4,002,924	\$0
Alaska	0	0	0	102,798	164,721	0
Arkansas	0	0	0	250,003	1,300,000	0
Colorado	0	0	388,158	793,340	1,938,321	0
Illinois	0	0	0	2,175,182	10,871,266	340,000
Indiana	0	0	0	1,161,041	4,522,970	0
Iowa	0	0	0	504,172	813,228	0
Kansas	0	0	0	288,533	0	510,000
Kentucky	0	0	0	3,231,850	26,737,082	0
Louisiana	0	0	0	93,291	0	0
Maryland	0	0	0	162,562	1,377,925	0
Missouri	0	0	0	885,498	4,923,551	0
Montana	0	0	421,245	1,889,174	6,277,254	175,000
New Mexico	0	0	143,080	776,999	493,800	0
North Dakota	0	0	0	477,002	2,200,780	0
Ohio	0	0	0	2,286,447	8,614,505	0
Oklahoma	0	0	0	690,069	1,565,356	0
Pennsylvania	0	0	0	7,961,872	49,284,041	0
Texas	0	0	142,935	1,284,116	6,638,349	0
Utah	0	0	105,155	551,694	1,592,746	0
Virginia	0	0	0	1,254,799	4,089,623	50,000
West Virginia	0	0	0	7,361,440	13,261,323	1,300,000
Wyoming	0	0	2,456,679	3,283,301	32,809,333	0
Crow	31,690	0	0	155,000	22,990	0
Hopi	0	0	141,926	0	0	0
Navajo	0	0	263,593	800,108	1,265,839	0
Total	\$31,690	\$0	\$4,062,771	\$40,307,711	\$183,967,927	\$2,375,000

*From FY 1989 Allocation and funds recovered or carried over from previous years.

Table 19
State Coal Mine Reclamation Accomplishments
1977-1988

State or Tribe	Number of Sites Reclaimed	Acres Reclaimed	Number of Mine Openings Closed	Subsidences Corrected	Feet of Highwall Reclaimed
Alabama	975	2,600	798	Unknown	52,315
Alaska	15	93	8	0	1,100
Arkansas	48	27	37	0	400
Colorado	497	835	789	131	23,500
Illinois	266	7,009	217	49	6,440
Indiana	218	2,976	179	110	59,898
Iowa	10	1,157	7	0	33,851
Kansas	21	291	18	6	16,910
Kentucky	646	8,449	996	3	Unknown
Louisiana	0	0	0	0	0
Maryland	28	596	29	1	0
Missouri	28	1,774	12	0	22,944
Montana	340	815	275	100	390
New Mexico	43	6	180	13	0
North Dakota	28	1,006	3	15	13,650
Ohio	318	9,655	277	118	139,225
Oklahoma	60	1,095	45	9	63,191
Pennsylvania	607	9,242	245	37	330,780
Tennessee	37	285	56	0	25,000
Texas	4	56	3	16	0
Utah	128	203	486	61	700
Virginia	119	1,430	524	3	9,045
West Virginia	368	3,240	824	23	83,375
Wyoming	169	1,700	510	75	0
Crow	0	0	0	0	0
Hopi	0	0	0	0	0
Navajo	0	0	0	0	0
Total	4,973	54,540	6,518	770	882,714

OSM STUDY ON AML FUND REAUTHORIZATION

During 1988-89, OSM has been developing a study to quantify the accomplishments of the current AML reclamation program, evaluate the impacts of the reclamation fee on the mining industry, and assess the nature and distribution of the remaining abandoned mine land problems.

The study provides information about the AML program, the nationwide AML problem, the issues that are of central concern to any decision on renewal of the program, as well as the impacts of potential modifications to SMCRA.

ADDITIONAL INFORMATION

U.S. Dept. of the Interior, 1989. *Final Report on the Fiscal Year 1988 Post-Project Evaluation*: Office of Surface Mining, Washington, D.C., 89 pp.

U.S. Dept. of the Interior, 1989. *WARNING! Old Mines Can Be Dangerous*: Office of Surface Mining, Washington, D.C., 4 pp.

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*As of September 30, 1989.