

OSM Annual Report 1984



UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

COVER PHOTO: Permanent impoundment and reclaimed 32-acre contour mine site in Jackson County, Kentucky.

Office of
Surface Mining
Annual Report
Fiscal Year
1984



U.S. Department of the Interior

DONALD PAUL HODEL, *Secretary*

Office of Surface Mining

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THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 06 1985

To the President of the United States

To the Congress of the United States

I am pleased to submit the 1984 Annual Report outlining accomplishments of the Office of Surface Mining during the last fiscal year.

Section 706 of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87) requires that the Secretary of the Interior submit annually to the President and the Congress a report on the activities of the Office of Surface Mining. This report is the seventh such annual report.

DONALD PAUL HODEL

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EXECUTIVE SUMMARY

The goals of the Office of Surface Mining (OSM) are to protect the environment from adverse effects of surface coal mining and to reclaim lands damaged by past mining operations. In achieving these goals, OSM is charged with a wide range of responsibilities specified in the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87, SMCRA, "the Act"). Specifically, it is responsible for the development of regulations to implement the Act; the approval of State regulatory and abandoned mine land programs to allow the States to assume primary regulatory authority (primacy); the annual program review (oversight) of those State programs to ensure that the States are properly implementing the provisions of the Act; the permitting and regulation of surface coal mining on Federal and Indian lands; the provision of assistance to the States and Indian Tribes to aid them in developing and implementing their programs; the development, approval, and monitoring of grants to the States for the purposes specified in the Act; the collection of abandoned mine land reclamation fees; and the assessment and collection of civil penalties for violation of the regulations.

Whereas FY 1982 and 1983 were years of regulatory reform and reorganization, FY 1984 was characterized by the following accomplishments.

State Programs

State primacy, a fundamental objective of the Act, is now becoming fully implemented. This year over 80 conditions or minor deficiencies in State programs were removed, thereby bringing the total to 13 States with fully approved programs. In addition, OSM completed 72 final rulemaking actions, of which 31 were approval of State program amendment packages. Others included extension of due dates to facilitate State legislative action, removal of conditions needed for approval, and disapproval of proposed State amendments.

Funding for the States to operate their regulatory programs is partially provided by grants from OSM. OSM provides grants to States with approved regulatory programs for up to 50 percent of the operating cost of the State's approved regulatory program (100 percent of work on Federal lands). This year, OSM provided \$37,594,818 in regulatory grants to coal-producing States with approved regulatory programs. In FY 1984, three Indian tribes (Crow, Hopi, and Navajo) and one State (Tennessee) were awarded \$544,499 in program grants for developing their programs.

Due to deficiencies in the Oklahoma and Tennessee State regulatory programs, OSM promulgated rules for direct Federal enforcement of the inspection and enforcement portions of those programs beginning on April 30, 1984.

Federal Programs

In States that do not have their own regulatory programs, OSM is required to regulate all coal exploration and mining and reclamation activities. Nine States -- Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington--had full Federal programs in FY 1984. One new Federal

program was proposed during FY 1984 and promulgated on October 1, 1984, after the State of Tennessee repealed its surface mining statute and regulations. Of these 10 States, only Georgia, Tennessee, and Washington have any active coal mining.

Indian Lands Program

OSM issued rules implementing a Federal program for Indian lands. These rules make most OSM permanent program requirements applicable to Indian lands. In addition, under existing Tribal-Federal agreements with the Crow, Hopi, and Navajo Tribes, OSM continued to provide technical and financial assistance for developing and implementing their mining and reclamation programs.

Inspection And Enforcement

State and Federal inspectors worked together to ensure that proper mining and reclamation procedures were followed in the field. OSM, with 69 full-time inspectors, conducted 4,623 annual program review (oversight) inspections. These inspections resulted in the issuance of 754 10-day notices, 104 notices of violation, and 68 cessation orders. In addition, as a result of the Federal enforcement actions in Tennessee, OSM conducted 1,613 complete and 2,587 partial inspections in that State from May through September. These inspections resulted in the issuance of 577 notices of violation and 95 cessation orders. In Oklahoma during the same period, OSM conducted 119 complete and 488 partial inspections. These inspections resulted in 135 notices of violation and 38 cessation orders.

Assessment And Collection

This year OSM began a reorganization to more effectively complete the penalty assessment and collection operations. The principal element of this realignment was the establishment of an Assistant Director for Finance and Accounting, with responsibility for all financial systems. The duties of the new assistant director include collecting civil penalties and abandoned mine land fees, State grants auditing and administration, and assessment and collection of fines. A major objective of this reorganization is to achieve full implementation of the collection management information system (CMIS). This system will contain a complete inventory of all penalty cases.

Parker/Gasch Court Orders

OSM continued to comply with two Federal court orders. In response to Judge Oliver Gasch's 1980 order in civil action number 79-1521, OSM accelerated its review of 1,287 failure-to-abate cessation orders and made 216 recommendations for civil penalties and 108 recommendations for criminal actions. In response to Judge Barrington Parker's 1982 order in civil action number 81-2134, OSM completed its review of 1,783 nonterminated cessation orders and found 93 violators linked to permanent program permit applicants. These applicants were recommended for permit denial.

Abandoned Mine Land (AML) Reclamation

The AML program was established by the Act to reclaim and restore land and water resources adversely affected by past mining. States with primacy are eligible to administer a State abandoned mine reclamation program. In FY 1984 the Alaska abandoned mine land reclamation program was approved, bringing the total to 23 States with approved programs. These States are eligible for AML fund grants which come from fees collected on current coal mining operations. Fees collected for FY 1984 operations amounted to nearly \$217 million. Grants totaling \$248.3 million were awarded during the year for State use in correcting AML problems.

Federal Lands Program

OSM is required to implement a Federal lands program for surface coal mining and reclamation operations on Federal lands. After a State achieves primacy, it may participate in a cooperative agreement with the Secretary to regulate surface coal mining and reclamation on Federal lands within the State. Cooperative agreements with Ohio and West Virginia were made effective in FY 1984, bringing the total to seven. In these States, OSM has an annual program review role for Federal lands while working in cooperation with the States. In addition, the processing of agreements with Alabama and Alaska was initiated.

During FY 1984, OSM continued its review of mining plans and permit applications for coal mining on Federal lands. This review resulted in OSM issuance of 54 permits and approval of 29 mining plans.

Land Unsuitable For Mining

Three petitions to determine land unsuitable for surface coal mining were received. One petition, for an area in King County, Washington, was partially rejected and OSM is currently processing the remaining portion of the petition. The other two petitions were for an area in Emery County, Utah. OSM rejected these petitions, but is considering the concerns raised as part of the permit application approval process.

On January 31, 1984, the Secretary of the Interior designated approximately 160 acres of Federal land located about 16 miles east of Denver, Colorado, as being unsuitable for mining. This action was in response to a petition filed by the Board of County Commissioners, Adams County, Colorado, and the Front Range Airport Authority in FY 1983.

Technical Assistance

Section 711 of the Act allows exemption from compliance with the performance standards on an experimental basis, to encourage advances in mining and reclamation technologies. In FY 1984, two new experimental practices were approved to utilize and evaluate innovative technologies. One, located in Pennsylvania, is evaluating concave approximate original contour restoration with recreated premining drainage patterns.

The other project, located in Virginia, is evaluating excess spoil fill construction methods and costs.

Many urban areas overlie heavily mined regions and are facing continuing or potential problems from the effects of subsidence. In FY 1984, OSM undertook studies to assess the degree of subsidence potential that exists in those areas. These studies, when complete, will aid the local governments and individuals property owners in determining the types of measures that can be taken to abate existing or minimize future subsidence problems.

Section 401(b)(1) of the Act authorizes a specified amount of the Abandoned Mine Reclamation Fund to be used to assist small mine operators (who each produce less than 100,000 tons per year). In FY 1984, funding amounted to \$741,275 for laboratory tests necessary to determine the probable hydrologic consequences of proposed mining.

Research

OSM applied research has the principal objective of solving problems related to surface mining regulation and abandoned mine reclamation. In FY 1984, 24 projects totaling just under \$1 million were begun. These projects cover a range of topics including design and construction of coal refuse disposal facilities, subsidence control, hydrology in Appalachia, and fish and wildlife protection.

In addition, new procedures were developed and utilized for the systematic selection and implementation of AML research projects. These procedures establish another major link in Federal/State/Indian Tribe cooperation for effective implementation of the Act.
