
OSMRE
ANNUAL REPORT
1985



UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION and ENFORCEMENT

U.S. Department of the Interior

DONALD PAUL HODEL, *SECRETARY*

Office of Surface Mining Reclamation and Enforcement

Jed D. Christensen, *Director*



THE SECRETARY OF THE INTERIOR
WASHINGTON

To the President of the United States:

To the Congress of the United States:

I am pleased to submit to you the 1985 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSMRE).

The report details the actions of OSMRE during fiscal year 1985, as required by sections 706 and 201 of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87). The report also includes the agency's biennial report to Congress on State anthracite regulatory programs, as required by section 529 of the Act.

DONALD PAUL HODEL

CONTENTS

Introduction	3
Summary	4
State Regulatory Programs	5
State Anthracite Regulatory Program	9
Federal Regulatory Programs	10
Inspection and Enforcement	13
Abandoned Mine Lands	17
Research Program	23
Administration and Finance	29

Tables

Program Grants to States and Indian Tribes	7
Regulatory Grants to States Under the Permanent Program	8
Federal Mining Plan and Permit Application Status	12
Oversight Inspection Activities	13
Federal Programs Inspection Activities	14
Federal Lands Inspection Activities	14
Indian Lands Inspection Activities	14
Abandoned Mine Reclamation Fund Status	18
AML State and Indian Program Assistance	19
Interior Department AML Projects Completed or Under Contract in FY 1985	20
Interior Department AML Projects Started Since FY 1978	21
Non-AML Fund Projects	21
Small Operators Assistance Program	22
Applied Research	25
Interagency Research	26
AML Research	28
Budget	31
Staffing	32

The Office of Surface Mining Reclamation and Enforcement (OSMRE) was established in 1977 with passage of the Surface Mining Control and Reclamation Act (Public Law 95-87). In that law, Congress sought to establish a nationwide program to protect people and the environment from the adverse effects of surface coal mining operations. At the same time, it sought to "strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy."

The law requires OSMRE to establish uniform nationwide standards for the reclamation of lands following coal mining. The states, if they choose to do so, then develop their own regulatory programs, to be consistent with Public Law 95-87 and no less effective than the Federal regulations, but taking into account the diversity among states in climate, topography, and geology.

Following approval by OSMRE, the state program becomes the basis for "primacy," in which the state assumes primary responsibility for enforcing reclamation requirements and environmental protection standards. In the primacy states, OSMRE's function is one of support and oversight, monitoring the effectiveness of the states in enforcing the law and providing program grants and technical assistance when needed. OSMRE also retains responsibility for enforcing the surface mining law on Indian lands, in states that choose not to develop a regulatory program, and on Federal lands. Any state with an approved program, however, may elect to enter a cooperative agreement with the Secretary of the Interior to regulate coal mine reclamation on Federal lands within the state.

Under the provisions of the surface mining law, OSMRE also is charged with collecting a fee of 35 cents for every ton of coal mined by surface methods, 15 cents for every ton of coal mined underground, and 10 cents for every ton of lignite mined. The fees are deposited into the Abandoned Mine Reclamation Fund for use in reclaiming lands and water adversely affected by mining that occurred before passage of the surface mining law.

This report details the activities of the Office of Surface Mining Reclamation and Enforcement in carrying out those responsibilities during fiscal year 1985.

SUMMARY — FISCAL YEAR 1985

During fiscal year 1985, the Office of Surface Mining Reclamation and Enforcement conducted oversight activities in the 24 states with approved state programs. In nine states that have chosen not to develop a regulatory program, OSMRE conducted a full Federal program during the year. Those states are Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington.

In addition, in Tennessee OSMRE instituted a full Federal program on October 1, 1984, after the state repealed its regulatory program. OSMRE also operated most of the inspection and enforcement portions of Oklahoma's approved state program, because of difficulties with the state's enforcement actions. Those problems were resolved during fiscal year 1985, and a framework was established for returning full responsibility to the state.

During fiscal year 1985, OSMRE allocated \$113 million to states for use in reclaiming abandoned mine sites. The Interior Department itself used \$26 million for emergency and high-priority mined land reclamation projects, and provided \$6 million to fund projects by the Agriculture Department's Rural Abandoned Mine Program (RAMP). In addition, \$1.4 million was used in the Small Operator Assistance Program. During fiscal year 1985, OSMRE collected more than \$226 million in reclamation fees from coal producers.

As fiscal year 1985 drew to a close, OSMRE initiated a number of measures to improve management and implementation of the surface mining law. Some of those measures are well on their way to completion, while others are only now beginning to show results.

As a top priority, the agency began acquisition of up-to-date computer technology that will enable it to more efficiently monitor enforcement and collection efforts. Development of a computerized system, called the applicant violator system, was initiated. It will allow the agency to identify applicants for mining permits, as well as those who own or control the applicant company or who the applicant owns or controls, who have outstanding violations, and prevent those companies or individuals from obtaining additional permits until the violations are abated. The system is scheduled to be in full operation by October 1987.

The agency also took steps to resolve the backlog of uncollected civil penalties, assessed primarily in the years immediately after the Surface Mining Control and Reclamation Act was enacted and before Federal and state programs went into effect. Collection efforts were intensified, and a professional collection agency was hired to pursue many civil penalties. Additionally, the Office of the Solicitor took legal action to obtain judgments against and collections from many debtors.

During fiscal year 1985, OSMRE also placed increased emphasis on training for its inspectors and for state technical personnel. At year's end, the agency was also implementing improved rulemaking procedures aimed at establishing a more stable, consistent regulatory program. The agency currently has more than 50 issues to be resolved through rulemaking, including those remanded by the courts. A new office, established within OSMRE in fiscal year 1985, is managing development of those rules, and will work closely with the states, industry, and citizen groups to establish priorities. In fiscal year 1986, the agency will be sponsoring informal meetings on rulemaking priorities, and will explore the possibility of negotiated rulemaking if appropriate for particular issues.

These efforts will continue in the future, as will new initiatives aimed at bringing stability and consistency to the surface mining reclamation environment. Future actions to provide that stability will build on the foundation established in fiscal year 1985.