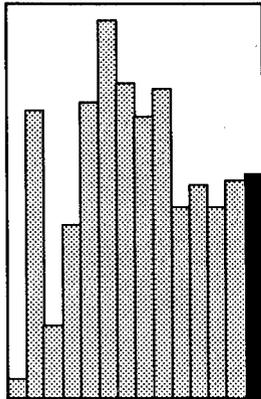


4. REGULATORY ENFORCEMENT

REGULATORY DEVELOPMENT



Final Rulemaking Actions 1978-91

SMCRA charges OSM with the 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 goals of SMCRA are achieved. One of OSM's major objectives is to establish a stable regulatory program by improving the regulatory development process and by obtaining a broad spectrum of viewpoints on rule-making activities.

The 1991 rulemaking process included discussions with representatives of the coal mining industry, environmental groups, and the state regulatory authorities to obtain their input and suggestions. During 1991 OSM published seven proposed permanent program rule *Federal Register* notices, and four final permanent program rule *Federal*

Register notices. The final rule *Federal Register* notices published during this period represent a 33 percent increase over the final rules published during 1990. Table 4 describes final regulations published in the *Federal Register* during 1991. Each regulation is identified with the *Federal Register* citation that gives the volume and page number, effective date, Code of Federal Regulations (CFR) number, and date of publication.

RULE CHALLENGES

During 1991, the Government defended several OSM regulations in suits brought by environmental and industry groups. Decisions by the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. District Court for the District of Columbia were rendered in two cases during the year. These are described in Table 5.

STATE PROGRAM AMENDMENTS

The federal regulations governing permanent regulatory programs were initially promulgated in 1979. The regulations 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

**TABLE 4
FINAL RULES PUBLISHED DURING 1991**

Assessment Conference Scheduling

56 FR 10060 4/8/91 (30 CFR 723 and 845) Published 3/8/91

This rule revises the procedures for holding an assessment conference by extending the time for holding the conference from "60 days from the date of the issuance of the proposed assessment" to "60 days from the date that the conference request is received."

Interim Program

56 FR 6224 3/18/91 (30 CFR Part 710) Published 2/14/91

This rule allows operators permitted under the initial regulatory program to meet permanent program performance standards in lieu of meeting initial program standards.

Notice of Suspension

56 FR 25036 7/3/91 (30 CFR Parts 700, 840, and 842) Published 6/3/91

This rule suspends certain portions of OSM's permanent program regulations which: (1) provided that a regulatory authority may terminate regulatory jurisdiction under the Surface Mining Control and Reclamation Act of 1977 for reclaimed sites of completed surface coal mining and coal exploration operations; and (2) defined the term "abandoned sites" and allowed for a reduced inspection frequency for those sites.

Service of Documents

56 FR 28442 7/22/91 (30 CFR Parts 722, 723, 724, 843, 845, and 846) Published 6/20/91

This rule revises the procedures governing the service of documents by allowing service by personal delivery in those instances where the regulations do not already provide for such service. The rule also changes certain terminology pertaining to the service of documents in order to make it consistent throughout the regulations.

TABLE 5 1991 SIGNIFICANT COURT DECISIONS

National Wildlife Fed'n v. Lujan, No. 90-5114 (D.C. Cir.)

On March 22, 1991, the U.S. Court of Appeals for the D.C. Circuit reversed the February 1990 decision of the U.S. District Court for the District of Columbia in this case. The district court had invalidated and remanded regulations promulgated by the Secretary under SMCRA which addressed (1) subsidence damage to structures, 30 C.F.R. 817.121(c), and (2) the effective date of the regulation of off-site coal processing facilities, 30 C.F.R. 827.13. The National Coal Association and American Mining Congress appealed that decision. The court of appeals reversed the district court and upheld both regulations. In doing so, the court deferred to the Secretary and found the regulations to be reasonable.

National Coal Ass'n v. Lujan, No. 88-0951 (D.D.C.)

On July 19, 1991, the district court upheld the Secretary's individual civil penalties (ICP) rule (30 C.F.R. 724.12). Industry challenged the ICP rule, alleging that it erroneously denied assessment conferences to corporate officials before imposition of the penalty and that its failure to use the point system, rather than the cost of reclamation, in determining the amount of the penalty is erroneous. Industry filed an appeal on September 16.

extensive litigation and agency policy, these rules have been further revised, beginning in 1985 and continuing to the present. In 1991 OSM published 91 proposed and 60 final State program amendments in the *Federal Register*.

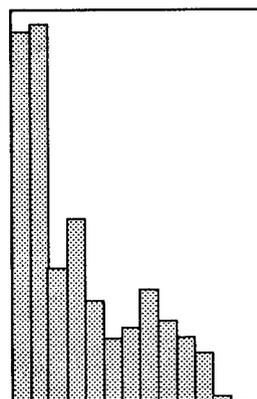
States have the right to propose to amend their programs at any time for an appropriate reason. In addition, whenever SMCRA or its implementing regulations are revised, OSM is required to notify the States of the changes needed to ensure that State programs remain consistent with federal requirements. This is known as a "Part 732 notification."

The result has been the submission of a large number of complex amendments from the States. OSM has taken a number of steps to process these submissions more efficiently. For example, the amendment review process within OSM has been decentralized, and format and content guidelines for State program amendment submittal have been issued to the States. Also, steps have been taken to assure that States' schedules for rulemaking in response to Part 732 notification are reasonable to accomplish timely State program revisions.

STATE REGULATORY PROGRAMS

Since May 3, 1978, all surface coal mining operations have been required to be permitted by the States and to comply with OSM regulations. Currently there are 24 primacy States that administer and enforce programs for regulating surface coal mining and reclamation under SMCRA. In addition, during 1991, three States had federal programs where OSM regulated surface coal mining and reclamation. Table 6 summarizes State program statistics during the period from July 1, 1990, through June 30, 1991. (OSM's annual statistics on State and federal regulatory programs are compiled on a July-June cycle.)

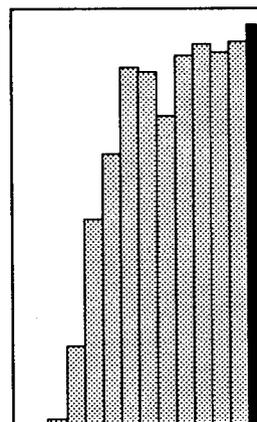
GRANTS TO STATES PROGRAM DEVELOPMENT GRANTS



Program Development Grants 1978-91

Section 201 of SMCRA authorizes OSM to assist State regulatory authorities in developing or revising surface mining regulatory programs. All regulatory program development funding for the three coal resource tribes (Crow, Hopi, and Navajo) has been suspended in view of the unlikelihood of foreseeable Congressional action on legislation to allow for tribal primacy under SMCRA Section 710. No program development grants were awarded in 1991.

REGULATORY GRANTS



Permanent Program Regulatory Grants 1978-91

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

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

shows grant amounts provided to States during 1991 to administer and enforce regulatory programs.

**TABLE 6
STATE PROGRAM STATISTICS
1991 (July 1, 1990 - June 30, 1991)**

Alabama Alaska Arkansas Colorado Illinois Indiana Iowa Kansas Kentucky Louisiana Maryland Missouri

State Staffing (FTE's 6/30/91)	Alabama	Alaska	Arkansas	Colorado	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maryland	Missouri
Regulatory Program	36	4.75	8.05	20.3	79	73	4.75	4.85	523	4	12.7	14.5
AML Program	32	1	5	12.9	36	22	4.55	4.4	51	2	2.4	13.4
Permits												
New Permits Issued	47	0	2	1	10	12	0	1	150	0	1	3
Inspections												
Inspectable Units (6/30/91)	312	2	38	58	97	499	32	29	4,246	2	101	100
Complete Inspections	3,778	6	133	251	473	1,821	112	121	21,048	8	813	291
Partial Inspections	616	18	205	360	1,078	3,782	200	244	26,651	16	898	607
Citations Issued												
Notices of Violations (Actions)	366	3	17	36	116	195	52	4	2,676	3	41	51
Failure-to-Abate Cessation Orders	65	1	0	2	7	25	35	0	431	0	4	24
Imminent Harm Cessation Orders	0	0	0	0	2	2	0	0	47	0	12	0
Bonds												
Forfeitures	6	0	0	1	3	0	4	0	0	0	1	2
Abandoned Mine Lands												
Acres Reclaimed	75.27	5	443	48.6	591	0	78	4	457.7	0	26	102

TABLE 6 Continued
STATE PROGRAM STATISTICS
1991 (July 1, 1990 - June 30, 1991)

	Montana	New Mexico	North Dakota	Ohio	Oklahoma	Pennsylvania	Texas	Utah	Virginia	West Virginia	Wyoming
State Staffing (FTE's 6/30/91)											
Regulatory Program	20.9	15	9.7	107	42.35	310	47	21.5	99	130	29.81
AML Program	6.5	7	5.8	43.7	5	142	17	8.75	18	60.6	11
permits											
New Permits Issued	0	0	4	112	9	166	1	0	48	127	0
Inspections											
Inspectable Units (6/30/91)	20	14	45	918	147	3,350	30	32	956	3,401	41
Complete Inspections	102	57	197	3,518	945	12,170	134	143	4,841	18,109	199
Partial Inspections	163	118	641	5,909	1,046	22,640	330	220	4,475	14,656	377
Citations Issued											
Notices of Violations (Actions)	10	30	1	781	101	3,020	11	61	514	2,574	18
Failure-to-Abate Cessation Orders	2	1	0	141	28	76	0	6	14	73	4
Imminent Harm Cessation Orders	1	1	0	18	0	0	1	4	12	274	0
Bonds											
Forfeitures	0	0	0	15	1	18	0	0	10	224	1
Abandoned Mine Lands											
Acreage Reclaimed	428	30	169	584.3	854	795.25	583	25.4	99.3	407.7	624

TABLE 7
REGULATORY GRANT FUNDING
1991 Obligations

State	Federal Lands	Non-Federal Lands (Federal Share)	Total Federal Funding*
Alabama	\$9,521	\$1,056,972	\$1,121,199
Alaska	0	241,460	241,460
Arkansas	0	179,254	179,254
Colorado	777,927	200,375	987,643
Illinois	154,402	3,158,863	3,313,265
Indiana	0	2,585,946	2,585,946
Iowa	0	131,330	131,330
Kansas	0	181,117	181,117
Kentucky	0	14,399,855	14,399,855
Louisiana	0	172,963	172,963
Maryland	0	459,640	459,640
Mississippi	0	68,000	68,000
Missouri	0	326,369	341,017
Montana	618,599	223,802	850,879
New Mexico	218,087	253,074	477,161
North Dakota	296,699	177,424	474,122
Ohio	0	3,062,659	3,062,659
Oklahoma	14,648	908,147	924,295
Pennsylvania	0	10,185,056	10,185,056
Texas	0	1,125,168	1,125,168
Utah	575,049	117,440	700,014
Virginia	5,943	3,360,050	3,365,993
West Virginia	0	4,176,482	4,176,482
Wyoming	1,133,453	228,149	1,370,935
Crow Tribe	0	0	0
Hopi Tribe	0	0	0
Navajo Tribe	Unavailable	Unavailable	2,000
Total	\$3,804,328	\$46,979,595	\$50,897,455

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

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. Thus these States became federal program States, with surface coal mining and reclamation operations regulated by OSM. Full federal programs are in effect in eleven States: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. Of the federal program States, only California, Tennessee, and Washington have active coal mining. Table 8 summarizes OSM's regulatory actions in those three States during 1991.

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 oversight reviews on topics of concern in the 24 States with approved primacy programs. Oversight inspections are conducted on a random-sample basis and in response to citizen complaints. 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 must immediately inspect the site and issue a cessation order when a State has not taken appropriate action). OSM notifies the State of a possible violation by issuing a "Ten-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. In the relatively few instances where OSM determines that a State has not taken appropriate action or shown good cause, a federal inspection is conducted, and, if a violation is found to exist, a federal Notice of Violation or Cessation Order is issued.

Since 1989, changes have been implemented in the

TABLE 8
FEDERAL REGULATORY PROGRAMS
STATES WITH ACTIVE MINING
1991 (July 1, 1990 - June 30, 1991)

	Tennessee	Washington	California
Permits			
Existing and New Permit Applications	38	3	3
New Permits Issued	8	0	0
Permit Revisions and Renewals issued	224	21	0
Permits Suspended or Revoked	4	0	0
Total Acres Permitted	6,640	14,834	26
Inspections			
Inspectable Units	613	4	4
Complete Inspections	1,713	34	14
Partial Inspections	3,463	4	27
Citations Issued			
Notices of Violation	359	2	1
Failure-to-Abate Cessation Orders	65	0	0
Imminent Harm Cessation Orders	7	0	0
Bonds*			
Final Bonds Released	13	0	0
Forfeitures Initiated	2	0	0
Bonds Collected	3	0	0
Default Sites Reclaimed	7	0	0
Designation of Lands Unsuited for Mining			
Petitions Received	0	0	0
Acres Designated Unsuited	0	0	0

*Permanent Program Sites only.

manner in which OSM conducts oversight of State programs. These changes include revised 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 to follow up on prior problems), and the use of action plans developed jointly between field office directors and States to resolve problems when they occur. Field offices are also required to ensure that data needed to assess State progress and on-the-ground conditions are included in their annual reports. Table 9 summarizes OSM's oversight inspection and enforcement activities during 1991.

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

The federal lands program is important because the federal government owns significant coal reserves, primarily in the West. The development of these reserves 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 U.S., 60 percent is federally owned.

Through cooperative agreements, the administration of most surface coal mining requirements for the federal lands program may be delegated by the Secretary to

**TABLE 9
FEDERAL OVERSIGHT OF STATE PROGRAMS
1991 (July 1, 1990 - June 30, 1991)**

State	Number of OSM Inspections		Violations Cited in OSM Enforcement Actions	
	Random	Other	NOV's**	CO's***
Alabama	157	54	0	0
Alaska	2	2	0	0
Arkansas	16	0	0	0
Colorado	25	18	0	0
Illinois	58	29	0	0
Indiana	178	53	2	0
Iowa	14	3	0	0
Kansas	16	12	0	1
Kentucky	430	1,826*	32	13
Louisiana	1	1	0	0
Maryland	56	14	0	0
Missouri	40	12	0	0
Montana	11	0	0	0
New Mexico	7	2	1	0
North Dakota	18	2	0	0
Ohio	217	26	1	1
Oklahoma	61	75	4	2
Pennsylvania	348	384	8	0
Texas	13	0	0	0
Utah	29	6	4	0
Virginia	277	40	8	1
West Virginia	348	275	10	7
Wyoming	17	6	3	0

*Includes additional inspections required to implement litigation settlement agreements.

**Notices of Violation.

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

States with approved regulatory programs. By the end of 1991, the Secretary had entered into such cooperative agreements with Alabama, Colorado, Illinois, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

Under SMCRA, once the Secretary and the State have signed a cooperative agreement, the State regulatory authority assumes permitting, inspection, and enforcement responsibilities for surface coal mining activities on federal lands in that State. OSM maintains an oversight function to ensure that the regulatory authority fully exercises its delegated responsibility under the cooperative agreement. In States without cooperative agreements, the required permitting, inspection, and enforcement activities under SMCRA are carried out by OSM. During 1991, 15 permitting actions were completed by OSM for surface coal mining operations on federal lands in Kentucky.

For all States with leased federal coal, OSM prepares Mining Plan Decision Documents required by the Mineral Leasing Act, as amended, and documentation for other non-delegable authorities for approval by the Secretary. During 1991, seven mining plan actions were prepared and approved for mines on federal land.

INDIAN LANDS PROGRAM

Pursuant to Section 710 of SMCRA, OSM regulates coal mining and reclamation on Indian lands. In the southwest, mines on the Navajo and Hopi reservations and a portion

of a coal haul road on the Ute Mountain Ute Reservation are permitted under the permanent Indian lands program. In addition, OSM, in cooperation with the Bureau of Indian Affairs (BIA) and the Navajo Nation, is overseeing the final reclamation of three mines on the Navajo reservation regulated under the interim program.

In keeping with the Department's trust responsibility and to promote improved understanding of regulatory requirements and Indian concerns, OSM initiated an outreach program during 1991. A mine plan review group consisting of Navajo, BIA, and OSM personnel has been formed, and briefings of responsibilities and procedures are scheduled.

As a result of initial group discussions and in anticipation of the release of mined land reclaimed for grazing on the Navajo reservation, OSM personnel are working with BIA and the tribe to establish both grazing management plans and logical grazing units that incorporate the reclaimed land.

On the Crow Ceded Area in Montana, OSM and the Montana Department of State Lands continue to administer applicable surface mining requirements pursuant to a Memorandum of Understanding that includes both permitting and inspection functions. Table 10 provides statistics on regulatory activities on Indian lands during 1991.

**TABLE 10
REGULATORY ACTIVITIES ON INDIAN LANDS
1991**

	Number
Indian Lands in Arizona and New Mexico	
Total Permits	8
Total Acres Permitted	84,570
Permitting Actions	29
Inspectable Units (All lands)	10
Total Inspections (Partial and Complete)	98
Enforcement Actions (Notices of Violations issued)	8
Indian Lands in Montana	
Total Permits	1
Total Acres Permitted	3,259
Permitting Actions	2
Inspectable Units (All lands)	1
Total Inspections (Partial and Complete)*	18
Enforcement Actions (Notices of Violations issued)	0

HEARINGS AND APPEALS

SMCRA requires the Secretary of the Interior to provide administrative review of OSM actions, including the opportunity for hearings governed by the Administrative Procedure Act. The Secretary has delegated this administrative review function to the Department's Office of Hearings and Appeals (OHA), which is not part of OSM but which handles all the administrative review responsibilities of the Department of the Interior.

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 decisions of administrative law judges or from decisions of certain program bureaus within the Department of the Interior. The appellate functions of the Secretary under SMCRA have been delegated to the Interior Board of Land Appeals (IBLA). Under SMCRA, a person adversely affected by a written decision of the Director of OSM, or by a delegate of the Director, may appeal directly to IBLA if the decision specifically grants the right to appeal. Administrative review under SMCRA presented the administrative law judges and IBLA with a variety of issues for resolution. In 1991, the IBLA issued decisions in 23 SMCRA cases.

OHA REGULATORY ACTIONS

On January 22, 1991, OHA published a final rule in the *Federal Register* (56 Fed. Reg. 2139) providing for expedited administrative review of all permit-related decisions by OSM. These decisions include applications for new permits; permit revisions; permit renewals; the transfer, assignment, or sale of rights granted under permit; and coal exploration permits. Additionally, the period for filing a request for review was changed to begin with the day a permittee or applicant receives a written decision by OSM.

On September 6, 1991, OHA published a proposal in the *Federal Register* (56 Fed. Reg. 45806) to amend its regulations applicable to surface coal mining hearings and appeals by adding procedural rules for administrative review of (1) decisions by OSM to rescind permits that should not have been issued, and (2) decisions by OSM which determine whether a person or entity is linked, within the meaning of OSM's ownership and control and permit review regulations, to a person currently in violation of SMCRA or any other applicable law.

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 negotiating the settlement agreement. At the same time, a Supplemental Memorandum of Understanding was entered into between OSM and Kentucky. During the period 1988 through 1991, the Congress appropriated \$12,791,000 to help carry out the Settlement Agreement. During the same period, OSM awarded \$10,270,000 to Kentucky for State Program Operations and an additional \$681,400 for hydrologic studies. OSM retained and expended \$982,564 for hydrologic studies; \$605,386 for acidity studies; \$110,000 for development and delivery of a bond release training program, including additional Regulation and Technology funds for the project; \$146,876 for data processing services; and \$57,447 for travel and administration. The full \$12,791,000 appropriation has been expended for the functions and purposes agreed to in the Settlement Agreement.

Kentucky made extraordinary progress in the development and improvement of its coal surface mine regulatory program over the term of the Agreements. Items of major significance in the improvement of Kentucky's regulatory program include:

- Hiring 103 personnel and training them to accomplish the provisions of the Agreements. The Kentucky General Assembly increased the NREPC personnel ceiling by 80 positions to maintain the current level of performance. These positions will be carried through June 1992 as full-time State employees.
- Institution of an aerial overflight program that involved buying and equipping a helicopter for aerial photography, training personnel to film mine sites from the air, reviewing the film to identify violations for on-the-ground reclamation and/or enforcement, and creating a film library that is open to the public. Kentucky has videotaped and reviewed 3,661 mine sites.
- Development of a comprehensive training and performance tracking program called the Reclamation Process Monitoring Program for management, inspection, legal, and other law enforcement personnel.
- Computer enhancements for all computer systems within NREPC. Kentucky has one of the most up-to-date computer systems in the Nation for tracking and reporting on all phases of regulatory enforcement.
- Formation of an interagency network of State and federal agencies to deter illegal coal mining in Kentucky and neighboring States. As a result of this special effort and considerable interagency cooperation, illegal coal mining in Kentucky is at an all-time low.

These achievements, as well as many others, have become an integral part of the Kentucky program.

PENNSYLVANIA ANTHRACITE REGULATORY PROGRAM

Section 529 of SMCRA provides an exception from federal performance standards for anthracite coal mining operations, provided the 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 thus regulates anthracite mining independent of SMCRA permanent program standards.

The Pennsylvania anthracite coal region is located in the northeast quarter of the State and covers approximately 3,300 square miles. The more than 20 different coal beds there vary in thickness from a few inches to 50 or 60 feet. The anthracite region is characterized by steeply pitching seams, some with dips steeper than 60 degrees. Such strata require highly specialized mining techniques and present unique challenges to ensure that highwalls are eliminated and mined areas are restored to productive post-mining land use. The long history of mining in the anthracite region has produced a legacy of abandoned mine land problems. However, because most current mining operations affect previously disturbed land, a large percentage of abandoned mine land is eventually restored to productive use.

Anthracite mining produces about 3.4 million tons of coal per year, approximately five percent of Pennsylvania's annual coal production. The Pennsylvania anthracite program covers 451 inspectable units permitting over 99,000 acres, and includes 99 underground mines, 279 surface mines, 15 preparation plants, and 58 combination operations.

Pennsylvania continues to successfully carry out the provisions of its anthracite program. The special effort to permit small underground mines and take enforcement action against illegal operators of this class of mine has been completed. In addition, all preparation plants are now operating under permanent program permits.

Inspection and enforcement activities continued to be hindered by the lack of inspectors. The hiring of five additional inspectors should increase the number of mandated inspections. A reduced inspection load should also help reverse the trend of uncited violations observed on random sample inspections.

RECLAMATION AWARD PROGRAM

To give well-earned public recognition to the people responsible for the nation's most outstanding achieve-

ments in environmentally sound surface mining and land reclamation, OSM initiated the annual Excellence in Surface Coal Mining and Reclamation Awards in 1986. Since then, 42 awards for exemplary performance under SMCRA have been presented. The 1990 awards, presented by Secretary of the Interior Manuel Lujan, Jr., at the National Coal Association's annual meeting were:

The Director's Award

- Centralia Mining Company, for exemplary reforestation reclamation at its mine located near Centralia, Washington.

Excellence in Surface Coal Mining and Reclamation Awards

- Martiki Coal Corporation, Martiki Mine, Inez, Kentucky
- Trapper Mining, Inc., Trapper Mine, Craig, Colorado
- The Carter Mining Company, Rawhide and Caballo Mines, Gillette, Wyoming
- Western Energy Company, Rosebud Mine, Colstrip, Montana
- Saarcar Coal, Inc., and the Rifle Coal Company, Meally, Kentucky
- R & F Coal Company, Cheslock-Hendershot Mine, St. Clairsville, Ohio
- Fowler Excavating, Inc., A & P Pit, U.S. 50 Mine, and Bullock Mine, Montgomery, Indiana
- Solar Sources, Inc., Sky-Point Mine, Lynnville, Indiana
- Bridger Coal Company, Jim Bridger Mine, Rock Springs, Wyoming.

Nominations for the 1991 award program were due November 29, 1991, for winners to be selected in the spring of 1992. Information materials, which have been distributed to encourage participation in the program and communicate reclamation information to mining companies throughout the U.S., included a video program describing winning reclamation, a flyer, and booklets illustrating specific attributes of the winning reclamation projects.