

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT



LOUISIANA

Annual Evaluation Report

Regulatory and Abandoned Mine Land Reclamation Programs

Evaluation Year 1997

(October 1, 1996 through September 30, 1997)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Louisiana program and the effectiveness of the Louisiana program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 1996, to September 30, 1997.

In 1997, OSM continued the implementation of a new oversight policy that was first used during 1996. The primary focus of the new policy is an on-the-ground results-oriented strategy that evaluates the end result of State program implementation, i.e., the success of the State programs in ensuring that areas off the minesite are protected from impacts during mining, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The new policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, the new policy continued to encourage public participation as part of the revised oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection standards.

The new oversight guidance reemphasized that oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to report on OSM's and Louisiana's progress in conducting evaluations and completing oversight activities, and on their accomplishments at the end of the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Office of Surface Mining, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma, 74135-6547.

The following list of acronyms are used in this report:

AMD	Acid Mine Drainage
AMLR	Abandoned Mine Land Reclamation
EY	Evaluation Year
LOC	Louisiana Office of Conservation, Injection and Mining Division
NOV	Notice of Violation
OSM	Office of Surface Mining
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
TFO	Tulsa Field Office

II. Overview of the Louisiana Coal Mining Industry

Louisiana's estimated 1.0 billion tons of identified coal reserves consist entirely of lignite. The lignite deposits are located in the northwest part of the State, a moist-temperate region with highly erodible soils. Lignite was recognized in Louisiana as early as 1812. The first documented use occurred at the Federal arsenal near Shreveport during the Civil War. By the late 1800's, the use of lignite by blacksmiths, steamboats, and railroads was common. In September 1985, one surface coal mine began producing and is still in operation. That operation uses a 7-mile-long conveyor to transport lignite to the associated mine-mouth power plant. A second surface mine began producing lignite in 1989, transporting its production by truck to the same power plant. In 1996, the two surface mines produced 3.2 million tons employing about 100 people. Production figures for 1997 are not yet available, but the trend for the first two quarters indicates no significant change from 1996 production.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

A. Public Participation in OSM's Oversight

No new public participation initiatives were taken in 1997. Past initiatives to seek public participation in oversight have not resulted in significant citizen participation.

B. Public Participation in State Processes

LOC allows public input into the State program through several avenues. Citizens may comment on permit applications and even be parties to the proceedings. The citizens may also comment on amendments to the State program, and may file complaints on current mining operations.

IV. Major Accomplishments/Issues/Innovations in the Louisiana Program

A. Regulatory Program

During 1997, LOC was successful in operating its regulatory program so that there were no significant adverse environmental impacts from coal mining in Louisiana.

B. Abandoned Mine Land Reclamation

There are no abandoned coal mines in Louisiana, therefore, LOC's AMLR activities consisted of administrative functions and field inspections of prospective noncoal AMLR projects. LOC continued to expand and improve its inventory of noncoal

abandoned mine sites and will initiate construction projects to reclaim noncoal projects when its AMLR fund accumulates sufficient money.

V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

To further the concept of reporting end results, the findings from performance standard evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts and the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available at TFO which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts

Using both LOC and OSM inspections, there were 20 opportunities for observations of off-site impacts. An observation is defined as an inspection, either State or Federal, partial or complete. When a Federal observation led to a State observation, the observation was counted only once; no types of sites were excluded from observations; and all observations were those that resulted in an NOV. The three off-site impacts identified were impacts to water caused by the failure of the hydrologic controls on one of the mines. Sediment and acid water discharged into a receiving stream causing moderate damage to the stream.

As a result of the identification of impacts, the mining company developed new procedures for treating ponds to ensure that no acid discharges were allowed. The 1998 Performance Agreement will include a study to determine how the new procedures are working.

In conclusion the number of off-site impacts was small, but in comparison with the number of observations, the frequency of occurrence of off-site impacts was relatively high.

B. Bond Release

In November 1996, OSM participated in a Phase I bond release at a mine near Mansfield, Louisiana. The land had been returned to its approximate original contour and a Phase I bond release was granted. Seven adjacent landowners participated in the inspection. The results in Table 5 indicate that 400 acres were disturbed in EY 97 and 2,060 acres received a Phase I bond release. The effectiveness of the State program in

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ensuring successful (contemporaneous) reclamation was determined by assessing data gathered for Table 5. Based on this data, the program is successful in achieving timely reclamation.

VI. OSM Assistance

OSM provided financial assistance to Louisiana in the form of grants, providing 50 percent of the operational budget for LOC's activity as the regulatory authority and 100 percent of LOC's activity in abandoned mine land reclamation. LOC has access to, and equipment provided for, OSM's Technical Information Processing System. During the evaluation period, LOC did not request technical assistance from OSM, and none was provided.

VII. General Oversight Topic Reviews

In 1996, as a part of the Clean Streams Initiative, OSM initiated a nationwide study of the potential for AMD from coal mining. This item was added to the 1996 oversight performance agreement for LOC and later rolled into the 1997 oversight performance agreement for continued study.

Acid-forming materials were found in the overburden analysis of both Louisiana mines. In 1997, acid conditions in sedimentation ponds and acid discharge were discovered at one of the mines. LOC took enforcement actions and the company developed procedures to correct the acid condition and prevent future AMD.

In conclusion there is a potential for AMD from coal mining in Louisiana, and it has occurred, but the mining companies and LOC have taken the appropriate steps to prevent further AMD. OSM and LOC will need to remain diligent to ensure that permitting and field procedures continue to prevent AMD.

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Appendix A: Tabular Summaries of Data

These tables present data pertinent to mining operations and State and Federal regulatory activity and include abandoned mine land reclamation activities within Louisiana. They also summarize funding provided by OSM and current Louisiana staffing levels. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1996, to September 30, 1997. Additional data used by OSM in its evaluation of Louisiana's performance is available for review in the evaluation files maintained by TFO.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
Calendar Year			
1995	3.4	0	3.4
1996	3.2	0	3.2
1997 ^B (01/01/97-06/30/97)	1.7	0	1.7

^A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

^B Indicate period if other than a full calendar year.

TABLE 3

STATE PERMITTING ACTIVITY
(As of September 30, 1997)

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits										0	0	0
Renewals										0	0	0
Incidental boundary revisions										0	0	0
Revisions (exclusive of incidental boundary revisions)	2	2	2,900	0			0			2	2	2,900
Transfers, sales and assignments of permit rights										0	0	0
Small operator assistance										0	0	0
Exploration permits										0	0	0
Exploration notices ^B												
Totals	2	2	2,900	0	0	0	0	0	0	2	2	2,900

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions _____

^A Includes only the number of acres of proposed surface disturbance.

^B State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 4

OFFSITE IMPACTS														
RESOURCES AFFECTED		People			Land			Water			Structures			
DEGREE OF IMPACT		Total	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj	Min	Mod	Maj
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting	0												
	Land Stability	0												
	Hydrology	3							3					
	Encroachment	0												
	Other	0												
	Total	3	0	0	0	0	0	0	0	3	0	0	0	0
Total number of permits or mine sites with observed off-site impacts: Permits 1 Mines 1 Total number of permits or mine sites evaluated: Permits 2 Mines 2 Total number of observations made to evaluate mine sites of permits for off-site impacts: 20														

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	<ul style="list-style-type: none"> ● Approximate original contour restored ● Topsoil or approved alternative replaced 	2,060
Phase II	<ul style="list-style-type: none"> ● Surface stability ● Establishment of vegetation 	0
Phase III	<ul style="list-style-type: none"> ● Post-mining land use/productivity restored ● Successful permanent vegetation ● Groundwater recharge, quality and quantity restored ● Surface water quality and quantity restored 	0
	Disturbed Acreage Status^A	Acres
	Total number of disturbed acres at end of last review period (September 30, 1996)	16,800
	Total number of acres disturbed during this evaluation year	17,200
	Number of acres disturbed during this evaluation year that are considered remaining	0

^A Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).

TABLE 6

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1996 ^A	0	0	0
Bonds forfeited during EY 97			
Forfeited bonds collected as October 1, 1996 ^A	0	0	0
Forfeited bonds collected during EY 1997			
Forfeiture sites reclaimed during EY 1997	0	0 ^B	0
Forfeiture sites repermited during EY 1997			
Forfeiture sites unreclaimed as of October 1, 1997			
Excess reclamation costs recovered from permittee	0	0	0
Excess forfeiture proceeds returned to permittee			
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TABLE 7

LOUISIANA STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1997
Regulatory program	
Permit review	1
Inspection	1
Other (administrative, fiscal, personnel, etc.)	1.7
Sub-total	3.7
AML Program	1.5
TOTAL	5.2

TABLE 8

FUNDS GRANTED TO LOUISIANA BY OSM (Millions of dollars)			
Type of grant		Federal funds awarded	Federal funding as a percentage of total program costs
Regulatory	Administration and enforcement	\$0.18	50%
	Small operator assistance	\$0.00	
Regulatory Totals		\$0.18	
AMLR	Administration and construction	\$0.18	100%
AMLR Total		\$0.18	
Total Regulatory and AMLR		\$0.37	

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Appendix B: State Comments on Report

State Comments on Report

State of Louisiana



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

WARREN A. FLEET
COMMISSIONER AND
ASSISTANT SECRETARY

December 1, 1997

Mr. Mike Wolfrum, Director
Tulsa Field Office
OSMRE
5100 East Skelly Drive, Suite 550
Tulsa, Oklahoma 74135

Re: 1997 Annual Evaluation

Dear Mr. Wolfrum:

This letter will serve to confirm the telephone conversation today between Mr. Mike Lett of the Tulsa Field Office and Mr. Anthony J. Duplechin, chief of this Division's Surface Mining program. The Louisiana Office of Conservation (Office) has received the draft 1997 Annual Evaluation Report. We would like to thank you for affording us the opportunity to provide comments. The Office agrees with the report, and has no comments to offer.

If you have any questions concerning this matter, please contact Mr. Duplechin at (504) 342-5528.

Yours very truly,

WARREN A. FLEET
COMMISSIONER
Office of Conservation

A handwritten signature in cursive script that reads "Carroll D. Wascom".

Carroll D. Wascom
Director
Injection and Mining Division

OFFICE OF CONSERVATION
TULSA FIELD OFFICE
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