



U.S. Office of Surface Mining

# News Release



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For immediate release

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## **OSM Proposes Environmental Impact Study Of Proposed Rule**

(Washington) - The U.S. Office of Surface Mining (OSM) is asking for public comment on its plans to do an environmental impact statement (EIS) on its rulemaking proposal known as the "stream buffer zone rule."

The proposed rulemaking was released for public review on January 7, 2004. The proposed rule addresses two related concerns. First, OSM intended the rule to reduce misunderstanding of the 1983 stream buffer zone rule by establishing clear conditions under which coal mining operators may be allowed or denied permission to mine in a 100-foot zone around perennial and intermittent streams.

Second, OSM intended the proposed rule to reduce the adverse impact of coal mining excess spoil fill construction by strengthening the regulatory requirements for these fills. The proposed rulemaking would minimize the generation of excess spoil fills and ensure that environmental values are fully considered in the design and construction of excess spoil fills. Excess spoil, which consists of broken rock and soil, often results from coal mining in the steep terrain in central Appalachia. But excess spoil may be created anywhere rugged topography and coal mining occur. OSM's proposed rule would require coal operators to minimize the volume of excess spoil created, analyze the effects of alternative disposal plans, and configure excess spoil fills in a manner to reduce adverse environmental impacts.

At the same time that the January 7, 2004, proposed rule was published, OSM made available a draft environmental assessment of the proposed changes, as required by the National Environmental Policy Act (NEPA). At that time, OSM preliminarily concluded that the changes it was proposing would have no significant impacts on the human environment. After further consideration, OSM has determined that one or more of the alternatives being considered could potentially have significant impacts on the human environment.

OSM is required by NEPA to prepare a draft EIS in order to take a "hard look" at the consequences of a pending major action if there may be a potential significant impact on the human environment. The EIS is an appropriate and normal continuation of the NEPA process. For this particular rulemaking action, OSM has concluded that further analysis is warranted and is proposing to prepare an EIS. OSM is asking for the public's help in identifying significant issues and specific alternatives related to the proposed action.

Suggestions should be sent to OSM by 4 pm on August 15, 2005, by mailing or hand carrying comments to: "EIS Scoping SBZ Rulemaking Comments" c/o OSM Appalachian Region, 3 Parkway Center, Pittsburgh, Pennsylvania, or sending comments via electronic mail to: [SBZ-EIS@osmre.gov](mailto:SBZ-EIS@osmre.gov).

You may also request to meet or talk with the members of the EIS team. If you do, please call David Hartos, SBZ EIS Team Leader, at 412-937-2909, or send a message to [dhartos@osmre.gov](mailto:dhartos@osmre.gov). Tentatively, the team has identified five potential meeting locations if sufficient interest in having meetings at those locations is received: Washington, D.C.; Denver, Colorado; Alton, Illinois; Knoxville, Tennessee; and Pittsburgh, Pennsylvania. OSM may also, in its discretion, hold meetings at other locations if sufficient interest is shown.

After OSM completes this process, OSM will prepare a draft EIS that includes OSM's "preferred alternative." OSM will then publish a proposed rule, unless the preferred alternative makes rulemaking unnecessary. After the public comment periods for the draft EIS and proposed rule close and OSM considers comments, OSM will publish a final EIS. Then OSM will publish a final rule unless OSM decides to adopt the "no action" alternative.

For additional information regarding the pending EIS and future meetings, please visit the OSM website ([www.osmre.gov](http://www.osmre.gov)).

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