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Salazar Commends OSM Initiatives to Improve Oversight of State Surface Coal Mining Programs

WASHINGTON, DC – Secretary of the Interior Ken Salazar today commended employees of the Office of Surface Mining for their efforts to improve oversight of state surface coal mining regulatory programs. The Secretary was joined at OSM headquarters by Assistant Secretary for Land and Minerals Management Wilma Lewis and OSM Director Joseph Pizarchik.

“OSM has made significant progress by increasing oversight inspections of coal-mining operations, working with federal agencies to improve coordination of the permitting process and launching several new immediate stream protection measures during the past 12 months,” Salazar said. “While we have taken strong initial steps, there is still much more to do in order to fully realize OSM’s mission of protecting the environment while continuing to provide for the Nation’s energy needs.”

“Through the dedicated work of OSM employees, the bureau took a hard look at how it conducted oversight,” said Assistant Secretary for Land and Minerals Management Wilma Lewis. “In a short period of time, OSM has made great strides in establishing and enacting consistent, transparent and effective policies.”

“When I look at what we have achieved in a year’s time, I see a lot to be proud of,” OSM Director Joseph Pizarchik said. “The Oversight Improvement Actions challenged OSM to fulfill the mission Congress gave us 33 years ago when it enacted the Surface Mining Control and Reclamation Act, and our employees are answering that call.”

In the past 12 months, OSM has increased the number of its oversight inspections of coal-mining operations to evaluate how each state is administering its regulatory program. Under these additional inspections, OSM observed an increase in the number of violations and issued more Ten-Day Notices (TDNs). A TDN is the means by which OSM notifies a state of potential violations. The states have worked with OSM to address the majority of these identified violations, and OSM and the states will continue working to resolve those that are still outstanding. OSM will also continue to monitor the results of its stepped-up inspection program to determine appropriate long-term changes in OSM inspection policies.

Other accomplishments include OSM working with Federal agencies to improve coordination of the permitting process for coal mine operators. The bureau has led the development of new

standard operating procedures with the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers that are designed to promote consistency and better coordination in the handling of permits under the Surface Mining Control and Reclamation Act and the Clean Water Act (CWA). OSM expects to finalize some of these procedures next month, with the remainder to be approved in early 2011.

OSM has also implemented several new immediate stream protection measures, while it develops a rule to better protect streams. Bureau inspectors are verifying that coal operators have complied with CWA requirements before starting projects that require authorization under the CWA; increasing assurance that operators enhance or minimize disturbances to wetlands and riparian vegetation along rivers, streams, ponds, and lakes; and better ensuring that operators build mine facilities according to the approved designs and performance standards of a state's regulatory program.

In addition, OSM conducted in the past year two reviews of how states carry out specific parts of their programs. One review addressed how states require coal operators to return mined lands to their approximate original contour (AOC). Among other recommendations, OSM concluded that state regulatory agencies should improve their documentation of permit approvals, and that those agencies should adopt new technologies such as Global Positioning Systems to achieve better compliance with AOC requirements. OSM also studied the adequacy of the performance bonds coal operators are required to post as financial assurance that lands will be reclaimed after mining has been completed. The review examined bonds from 23 states and determined that some programs were not requiring adequate bond amounts. OSM is now working with those state partners to correct these bond deficiencies.

Finally, OSM released today three new internal draft directives that clarify how OSM carries out oversight of its state and tribal partners. The revised directives increase the frequency of OSM's oversight inspections, clarify procedures for addressing permit defects, and resolve problems identified in SMCRA-approved state and tribal programs. Specifically, OSM is revising Regulatory Program Development Directive REG-8, "Oversight of State and Tribal Regulatory Programs;" is reissuing a newly revised Directive REG-23, "Corrective Actions for Regulatory Program Problems and Action Plans;" and is releasing a revised Inspection and Enforcement Directive INE-35, "Ten-Day Notices."

A previous version of REG-23 was rescinded in 1996, while INE-35 was rescinded in 2006.

The Office of Surface Mining Reclamation and Enforcement carries out the requirements of SMCRA in cooperation with states and tribes. OSM's objectives are to ensure that coal mining activities are conducted in a manner that protects citizens and the environment during mining, to ensure that the land is restored to beneficial use after mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.