



NEWS RELEASE

WASHINGTON, D.C.
WWW.OSMRE.GOV

December 30, 2013
FOR IMMEDIATE RELEASE

Contact: [Christopher Holmes](#)
(202) 208-7941

Office of Surface Mining Reclamation and Enforcement Identifies Key Areas for Evaluation After Review of Citizen Petition on West Virginia Program

(Washington, D.C.) - The [Office of Surface Mining Reclamation and Enforcement](#) (OSM) today announced it will evaluate certain parts of West Virginia's surface coal mining regulatory program to determine whether the State is administering it properly.

The announcement comes in response to a wide-ranging citizens' petition alleging that West Virginia is failing to carry out its program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Earlier this year, 18 religious, civic, and environmental groups filed a petition with OSM claiming that the West Virginia Department of Environmental Protection (WVDEP) does not adhere to its own mine-permitting requirements, fails to protect water quality and quantity, and does not meet requirements for reclaiming mine sites, among other allegations.

Submitted in June 2013, the petition formally requested that the bureau either take over West Virginia's SMCRA program or recommend that Federal approval of the State's program be revoked. The 102-page document is believed to be one of the most comprehensive petitions ever received by OSM and led the bureau to embark on an extensive review of the citizens' allegations. The process provided under Federal regulations requires OSM to determine if any allegations require evaluation rather than immediately begin to remove the State's authority to administer its program, as requested by the petition.

After reviewing the petition's 19 allegations, West Virginia's response to those allegations, and other information, OSM has identified five areas that warrant evaluation. Specifically, the petitioners allege that WVDEP has failed to:

- 1) Address potential flooding impacts in the SMCRA permitting process because of ineffective implementation of its Storm Water Runoff Analysis, which is a permitting requirement;
- 2) Issue SMCRA violations on sites where Clean Water Act violations exist;
- 3) Regulate water pollution from selenium;
- 4) Properly define areas considered in the State's "Cumulative Hydrologic Impact Analysis"; and
- 5) Handle soils properly under SMCRA's mine-reclamation requirements.

"The analysis we shared with the petitioners today represents the next step in a process prescribed by the regulations that implement SMCRA," said OSM Director Joe Pizarchik. "OSM will conduct its evaluations in a fair, transparent manner," he added.



OSM shared the [results of its analysis](#) in a [letter sent to the petitioners](#) earlier today (for more information, go to [OSM's Analysis and Determination of June 2013 West Virginia 733 Petition](#) webpage). Of the areas into which OSM grouped the petitioners' concerns, the bureau found that the majority — 14 of 19 — do not warrant further evaluation. In some cases, OSM found that the issue being raised is outside OSM's purview; in others, the petitioners did not provide sufficient evidence to support the allegations, or misinterpreted program requirements.

If OSM's evaluations indicate that parts of West Virginia's program violate SMCRA, the bureau will provide the State with ample opportunity to correct the problems that OSM identifies. SMCRA's regulations set out a series of steps that OSM must follow before substituting Federal enforcement for all or part of the State's program.

OSM has already begun to evaluate one of the five areas and will initiate work on others in 2014. The bureau will keep all interested parties informed throughout the process and plans to make public each evaluation as it becomes available.

OSM carries out the requirements of the Surface Mining Control and Reclamation Act in cooperation with states and tribes. The bureau'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 pursuing reclamation of abandoned coal mines. For instant updates, follow OSM on Twitter at www.twitter.com/OSMRE, or visit the bureau's website at www.osmre.gov.

–OSM–

