

OFFICE OF SURFACE MINING

The mission of the Office of Surface Mining Reclamation and Enforcement is to carry out the requirements of the Surface Mining Control and Reclamation Act (SMCRA) in cooperation with the States and Indian Tribes. The Bureau's primary objectives are to ensure that coal mines are operated in a manner that protects citizens and the environment during mining, to ensure that the land is restored to beneficial use following mining and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned mines.

Functionally, the bureau is organized around the two principal requirements of the surface mining law - protecting the environment during active coal mining and restoring abandoned mines. In 1996, the Bureau completed its first full year of operation under the new regional organizational structure. Most states within a region share many issues in common, and to be effective and assure appropriate consistency, the issues must be addressed through a multi-state approach. The combination of field offices and regional coordinating centers working together with the States and Indian Tribes has resulted in improved relationships and more effective on-the-ground reclamation.

Under the direction of the Bureau, the implementation of SMCRA has created a unified level of performance standards for the industry. Coalfield citizens are provided the same rights as residents of other rural communities to safe lives, clean water and secure lands for homes, pastures, farms, and recreation.

In contrast with the pre-SMCRA era, today's coal industry is significantly different:

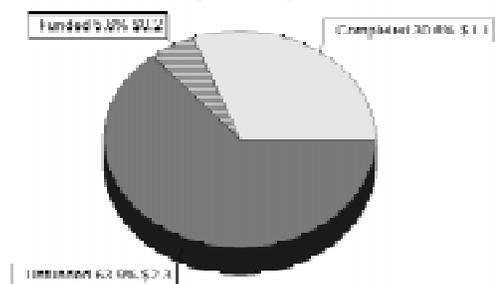
- Most current companies are medium to large size organizations, though their number has decreased from 6,500 to about 2,500.
- Current production is over 1 billion tons per year -- double the production from 1977 -- even though the number of producing mines diminished from 6,169 to about 2,475.
- Wildcatting is virtually non-existent (but could return absent adequate deterrence).

- Habitual violators no longer can obtain new permits as a result of the Applicant-Violator System as administered by OSM and the States.
- Acreage covered by Regulation Program Permits increased from 1.5 million to over 4.2 million.
- Nearly 14,000 "inspectable units" are subject to inspection to ensure they are not posing safety or environmental hazards. These inspectable units consist of minesites or partial minesites (in production or in various stages of reclamation), processing plants, tipples, and refuse piles.
- While the overall regulatory program has yielded a high level of industry compliance, problems can and do arise, as evidenced by some 8,400 violations cited by the States in notices of violation, and 1,300 violations cited in State-issued cessation orders.

OSM's Abandoned Mine Land Program is one of the Nation's most successful environmental restoration programs, with over \$1.1 billion worth of coal-related high priority problems reclaimed. Despite this success, many projects remain unfunded. The inventory of unfunded coal-related problems is reduced each year by State, Indian Tribe, and Federal reclamation projects. Unfortunately, new problems are uncovered as development expands into old coal mining areas. As of September 30, 1996, a break-down of costs from the National Inventory of Abandoned Mine Land Problems indicate that \$2.3 billion of known projects are unfunded (see Figure 7).

Figure 7

National Inventory of Abandoned Mine Land Problems
 Cost Break-Down as of September 30, 1996
 (\$ in billions)



Keeping Pace With Technology

Sharon Hall, a reclamation specialist with the Office of Surface Mining, grew up in eastern Kentucky, where her dad was an underground coal miner and her mother was a teacher. Her parents taught her that she could do any job she chose. Her education in chemistry led to her current job where she inspects a variety of coal operations serving as a vital link between mine operators and State and Federal governments. Her responsibilities include conducting water, soil, and vegetative analyses and issuing enforcement citations describing specific remedial actions to ensure environmental compliance. Despite her heavy workload, Hall is continuing her education working on a degree in hydrogeology. OSM has a critical need for people with hydrology and hydrogeology backgrounds. Hall's advice to persons seeking careers is to continue their education to keep pace with new technologies.

America's coal industry and OSM are faced with new challenges. As the more easily mined coal is removed, current and future mining can be expected to involve lands posing more difficult environmental issues, sites which are located in closer proximity to people, issues pertaining to tighter clean air standards and shifts to use of low sulfur coal. Due to downsizing, the OSM has reduced its staffing levels from a high of 989 FTE in 1995 to a current level of 674.

Congress specified in SMCRA that States were to be given the opportunity to regulate coal mining, and to make the tough choices of which abandoned mines to reclaim within the scope of available grant funding. Today, 24 States have regulatory programs in place, and progress is being made toward enabling Indian Tribes to assume primacy. Twenty-three States and three Indian Tribes are administering approved abandoned mine reclamation programs. In Fiscal Year 1996 the Surface Mining Program reclaimed 9,592 acres on 285 sites. The cumulative acreage and sites reclaimed through Fiscal Year 1996 were 105,655 acres on 3,813 sites.

Beginning with Texas in 1980, the Office of Surface Mining began approving state reclamation programs. Currently, all primacy states except Mississippi have approved abandoned mine land reclamation programs. During 1988, the Navajo and Hopi Tribe programs were approved, and in 1989 the Crow Tribe received approval for its program. In 1996, the states and the tribes received grants totaling \$180 million. Since the states began receiving abandoned mine land administrative grants to operate their programs and construction grants to com-



Inspector determines the elevation of a grading operation (photo by OSM).

plete reclamation projects, over \$2.3 billion has been distributed from the fund. State grants for administration costs, set-aside and subsidence insurance programs, emergency programs, initial program development, and cooperative agreements costs have been reduced to less than 25 percent of the total grant cost during the last three years. The 1979-1996 net grant awards for abandoned mine land construction projects totaled \$1.6 billion and construction obligation at the State/Tribe level totaled \$1.5 billion.

Under SMCRA, the Secretary of the Interior is authorized to spend money from the Abandoned Mine Reclamation Funds for emergency restoration, reclamation, abatement, control or prevention of the effects of coal mining practices. Emergency projects are those involving abandoned mine lands that present a danger to public health, safety, or general welfare and which require immediate action. In 1996 \$25.2 million was spent abating over 400 Abandoned Mine Land emergencies in 16 states. Most emergencies occurred in Pennsylvania, followed by West Virginia, Ohio, Kentucky, and Kansas.

In executing its oversight duties under SMCRA to evaluate the administration of approved State programs, the Office of Surface Mining works with States and other interested parties to seek consensus on oversight techniques, conducts inspections and independent review, and technical analyses. During 1996, the Bureau completed 641 inspections which resulted in 48 notices of violations and 24 failure to abate cessation orders. Of the 48 Notices of Violation (NOV) and 24 Cessation Orders (CO) issued by the Office of Surface Mining, 46 NOV's and 24 CO's were related to Abandoned Mine Land fees.



Inspector reviews a mine plan with operator (photo by OSM).

SMCRA prohibits issuance of surface coal mining permits to applicants responsible for outstanding (i.e., unabated or unresolved) violations. The Bureau maintains the Applicant Violator System (AVS), a computer database, developed to help State and Federal regulators ensure compliance with this requirement. During 1996, the Applicant Violator System provided recommendations on 4,633 permit applications and Abandoned Mine Land reclamation contracts.

Status of the Government Performance and Results Act Implementation

As a result of the Office of Surface Mining's strategic planning and the shared commitment it has established with its customers and partners, the Bureau has made considerable progress towards implementation of the Government Performance and Results Act (GPRA). The Bureau has submitted a strategic plan to the Office of Management and Budget for approval. In that plan, OSM developed a mission statement, vision statement and strategic goals and objectives. Along with these strategic goals, OSM developed outcomes, indicators and measures. In addition, OSM has developed a new budget structure which reflects its core functions or "business lines" and supporting program activities. The new business lines include:

- ***Environmental Restoration:*** To permanently reclaim abandoned mine sites by abating hazards, reducing the adversely affected lands and water to beneficial use;
- ***Environmental Protection:*** In cooperation with the States and Indian Tribes, to prevent environmental

Appalachian Region Joins United Way's Day of Caring

OSM's Appalachian Regional Coordinating Center, located in Pittsburgh, Pennsylvania, continued its tradition of participating in the Combined Federal Campaign's United Way Day of Caring. This was the fourth year that the Pittsburgh office has helped out by joining in the volunteer program. In previous years, projects have included building steps, repairing shelters and benches, painting, clearing pathways, and cleaning up litter.

In 1996, the OSM team rehabilitated a local community's athletic field and clubhouse. The land and clubhouse were donated by a local contractor decades ago. Over time, the site deteriorated to the point where it was almost recognizable as an athletic facility. After the OSM team finished its work on Jacobs field, seeing the facility back in use made all the effort worthwhile.

*In September, 1993, the Pittsburgh City Council commended the OSM volunteers for their commitment and dedication to making noticeable improvement and renovations to their community. **Ron Recker**, of the Administrative Services Division, received the award for his team of volunteers. The team members report that Recker is a tireless leader who stayed with the project until it was completed to everyone's satisfaction.*

problems in the coal fields by protecting the environment, property, water and citizens from current mining and reclaim the land after the mining is completed;

- ***Technology Development and Transfer:*** To assure that States and Indian Tribes, Federal agencies, industry, and citizen organizations have the highest possible level of technical capacity and capability needed to protect the public, property, and the environment, and to restore damaged coal mined lands and water to productive use; and
- ***Financial Management:*** To properly and promptly account for funds, maximize voluntary compliance with reclamation fee provisions, provide grants to States and Indian Tribes, and maximize collections through fair and consistent policies and procedures.

The new budget structure which will be implemented in 1998, has been approved by the Appropriations Committees. In addition, the Bureau has adopted a number of performance measures that will be tested as part of its 1998 budget in order to determine their effectiveness in

gauging the Bureau's progress in achieving its strategic goals before they become mandatory in 1999.

Customer Service

The Office of Surface Mining Reclamation and Enforcement (OSM) has revised its *Customer Performance Standards* to more closely align them with the way it does business and as a mechanism to gauge how well it is accomplishing its mission and goals. It is OSM's intent to integrate all of its planning, budget and customer related requirements into one comprehensive package.

Progress in achieving *Customer Performance Standards* by business line is as follows:

Environmental Restoration

- A sampling showed a mean elapsed time of the initial site visit and determination of emergency was 1.2 days for a site visit to be made against the standard that such visits will be addressed within 48 hours of the complaint.
- A sampling showed a mean of 4.4 days for a determination of the method to be used to abate the emergency against the standard of completing the determination within 30 days after the initial complaint.

Environmental Protection

- A sample showed 100 percent of State program amendments were announced in the Federal Register within the standard of 20 business days after receipt.
- Permit recommendation evaluations, based on the Applicant Violator System, were provided to States in 3,421 out of 3,422 occurrences within the standard of 72 hours of request.

Financial Management

- 98 percent of the OSM-1 forms were used by coal operations to report tonnage sold, used, or transferred.
- 99 percent of Fee Collections correspondence were responded to within the standard of seven days.
- 96 percent of telephone inquiries were responded to within the standard of one day.



As part of the permit review team, inspector examines maps of proposed mining operation (photo by OSM).

Figure 8

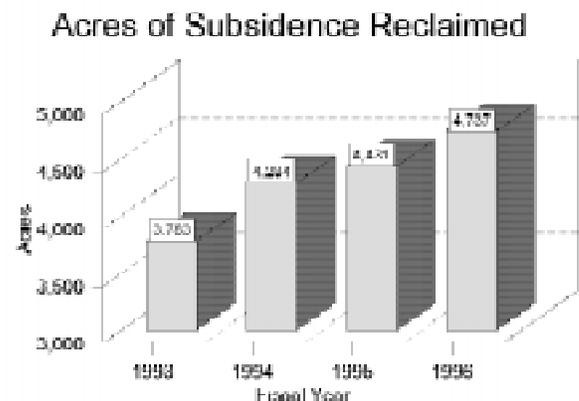


Figure 9

