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# **OSMRE**

## **ANNUAL REPORT**

### **1985**



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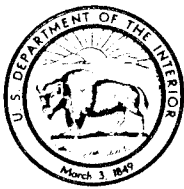
UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING RECLAMATION and ENFORCEMENT

**U.S. Department of the Interior**

DONALD PAUL HODEL, *SECRETARY*

**Office of Surface Mining Reclamation and Enforcement**

Jed D. Christensen, *Director*



THE SECRETARY OF THE INTERIOR  
WASHINGTON

To the President of the United States:

To the Congress of the United States:

I am pleased to submit to you the 1985 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSMRE).

The report details the actions of OSMRE during fiscal year 1985, as required by sections 706 and 201 of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87). The report also includes the agency's biennial report to Congress on State anthracite regulatory programs, as required by section 529 of the Act.

DONALD PAUL HODEL

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The Office of Surface Mining Reclamation and Enforcement (OSMRE) was established in 1977 with passage of the Surface Mining Control and Reclamation Act (Public Law 95-87). In that law, Congress sought to establish a nationwide program to protect people and the environment from the adverse effects of surface coal mining operations. At the same time, it sought to "strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy."

The law requires OSMRE to establish uniform nationwide standards for the reclamation of lands following coal mining. The states, if they choose to do so, then develop their own regulatory programs, to be consistent with Public Law 95-87 and no less effective than the Federal regulations, but taking into account the diversity among states in climate, topography, and geology.

Following approval by OSMRE, the state program becomes the basis for "primacy," in which the state assumes primary responsibility for enforcing reclamation requirements and environmental protection standards. In the primacy states, OSMRE's function is one of support and oversight, monitoring the effectiveness of the states in enforcing the law and providing program grants and technical assistance when needed. OSMRE also retains responsibility for enforcing the surface mining law on Indian lands, in states that choose not to develop a regulatory program, and on Federal lands. Any state with an approved program, however, may elect to enter a cooperative agreement with the Secretary of the Interior to regulate coal mine reclamation on Federal lands within the state.

Under the provisions of the surface mining law, OSMRE also is charged with collecting a fee of 35 cents for every ton of coal mined by surface methods, 15 cents for every ton of coal mined underground, and 10 cents for every ton of lignite mined. The fees are deposited into the Abandoned Mine Reclamation Fund for use in reclaiming lands and water adversely affected by mining that occurred before passage of the surface mining law.

This report details the activities of the Office of Surface Mining Reclamation and Enforcement in carrying out those responsibilities during fiscal year 1985.

## SUMMARY—FISCAL YEAR 1985

During fiscal year 1985, the Office of Surface Mining Reclamation and Enforcement conducted oversight activities in the 24 states with approved state programs. In nine states that have chosen not to develop a regulatory program, OSMRE conducted a full Federal program during the year. Those states are Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington.

In addition, in Tennessee OSMRE instituted a full Federal program on October 1, 1984, after the state repealed its regulatory program. OSMRE also operated most of the inspection and enforcement portions of Oklahoma's approved state program, because of difficulties with the state's enforcement actions. Those problems were resolved during fiscal year 1985, and a framework was established for returning full responsibility to the state.

During fiscal year 1985, OSMRE allocated \$113 million to states for use in reclaiming abandoned mine sites. The Interior Department itself used \$26 million for emergency and high-priority mined land reclamation projects, and provided \$6 million to fund projects by the Agriculture Department's Rural Abandoned Mine Program (RAMP). In addition, \$1.4 million was used in the Small Operator Assistance Program. During fiscal year 1985, OSMRE collected more than \$226 million in reclamation fees from coal producers.

As fiscal year 1985 drew to a close, OSMRE initiated a number of measures to improve management and implementation of the surface mining law. Some of those measures are well on their way to completion, while others are only now beginning to show results.

As a top priority, the agency began acquisition of up-to-date computer technology that will enable it to more efficiently monitor enforcement and collection efforts. Development of a computerized system, called the applicant violator system, was initiated. It will allow the agency to identify applicants for mining permits, as well as those who own or control the applicant company or who the applicant owns or controls, who have outstanding violations, and prevent those companies or individuals from obtaining additional permits until the violations are abated. The system is scheduled to be in full operation by October 1987.

The agency also took steps to resolve the backlog of uncollected civil penalties, assessed primarily in the years immediately after the Surface Mining Control and Reclamation Act was enacted and before Federal and state programs went into effect. Collection efforts were intensified, and a professional collection agency was hired to pursue many civil penalties. Additionally, the Office of the Solicitor took legal action to obtain judgments against and collections from many debtors.

During fiscal year 1985, OSMRE also placed increased emphasis on training for its inspectors and for state technical personnel. At year's end, the agency was also implementing improved rulemaking procedures aimed at establishing a more stable, consistent regulatory program. The agency currently has more than 50 issues to be resolved through rulemaking, including those remanded by the courts. A new office, established within OSMRE in fiscal year 1985, is managing development of those rules, and will work closely with the states, industry, and citizen groups to establish priorities. In fiscal year 1986, the agency will be sponsoring informal meetings on rulemaking priorities, and will explore the possibility of negotiated rulemaking if appropriate for particular issues.

These efforts will continue in the future, as will new initiatives aimed at bringing stability and consistency to the surface mining reclamation environment. Future actions to provide that stability will build on the foundation established in fiscal year 1985.

## STATE REGULATORY PROGRAMS

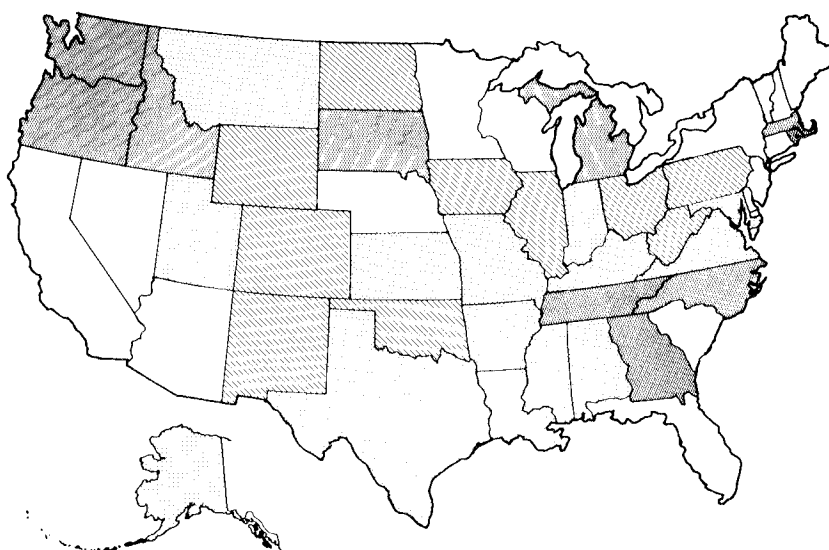
The Surface Mining Control and Reclamation Act specifies that because of the diversity in terrain, climate, and other physical conditions in areas subject to coal mining operations, the primary government responsibility for regulating surface coal mining and reclamation operations should rest with the states.

To achieve primary regulatory authority, often referred to as "primacy," a state must submit a program which demonstrates the state's capability to carry out the provisions of the Act. Specifically, states are required to—

- establish laws which regulate surface coal mining and reclamation operations;
- provide sanctions for violations of state laws, regulations, or permit conditions;
- provide for the effective implementation, maintenance, and enforcement of a permit system;
- establish a process for the designation of areas as unsuitable for surface coal mining;
- establish a process for coordinating the review and issuance of surface coal mining permits with any other Federal or state permit process applicable to the proposed operations;
- enact rules and regulations consistent with the Act and regulations issued by the Secretary of the Interior; and
- provide a regulatory authority with sufficient administrative and technical personnel and sufficient funding to operate a program.

The Secretary of the Interior, through OSMRE, reviews the state program to determine whether it is no less stringent than the Act and no less effective than the regulatory program established by the Secretary. Each state program is also reviewed by the public, industry, and other Federal agencies. Notices providing a description of the program, stating where the program is available for public review,

### STATE PROGRAM STATUS



FY 1985

- FULLY APPROVED
- ▨ CONDITIONALLY APPROVED
- ▩ FEDERAL PROGRAMS
- NON-COAL AND NON-PARTICIPATING STATES

and inviting public comments, are published in local newspapers and in the **Federal Register**, and public hearings are then held.

The Secretary, after soliciting and publicly disclosing the views of the Environmental Protection Agency, the Secretary of Agriculture, and heads of other Federal agencies, either fully approves, conditionally approves, or disapproves the state's program.

Once a state's program has been fully approved or conditionally approved by the Secretary, the state is granted primacy and becomes the regulatory authority over coal mining on non-Federal and non-Indian lands within its borders. The Federal Government retains a monitoring and secondary enforcement role.

Also, once a state has achieved primacy, the Secretary may approve a program, commonly called an Abandoned Mine Land Reclamation (AMLR) program, calling for the reclamation of lands disturbed by previous mining activities and not adequately reclaimed. Approval of the state reclamation plan entitles the state to receive funds allocated to it from the Abandoned Mine Reclamation Fund.

In addition, any state with an approved program may elect to enter into a cooperative agreement with the Secretary to provide for state regulation of surface coal mining and reclamation operations on Federal lands within the state.

State primacy, a fundamental objective of the Act, is nearing full implementation. During fiscal year 1985, 12 conditions or minor deficiencies in state programs were removed, bringing the number of states with fully approved programs to 14.

In addition, OSMRE completed 58 final rulemaking actions related to state programs, of which 33 were approval of state program amendments. Other actions included extension of due dates to facilitate state legislative or regulatory action, removal of conditions needed for approval, and disapproval of proposed state amendments.

Since 1980, 25 coal-producing states have achieved "primacy," with either fully or conditionally approved programs. The states are Alabama, Alaska, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

On April 30, 1984, OSMRE instituted direct Federal enforcement of the inspection and enforcement portions of the Oklahoma and Tennessee programs. Tennessee subsequently rescinded the statutory provisions for its regulatory program and OSMRE promulgated a full Federal program in that state beginning October 1, 1984.

In Oklahoma, OSMRE worked closely with the state to resolve concerns and to reach agreement on a schedule for the resolution of remaining concerns. By the end of 1985, OSMRE had made plans to return full program authority to Oklahoma based on a phased schedule.

During fiscal year 1985, OSMRE initiated a review of each state program to determine necessary changes resulting from the Federal regulatory reform effort of 1983. Eight of the 23 approved state programs have been reviewed and those states formally notified of the required changes. The reviews of eight additional state programs have been completed and the reports forwarded in draft form to those states for review. One state program—that of Mississippi—will not be reviewed because no mining is anticipated in the state in the foreseeable future.

### **Program Development Grants to States and Indian Tribes**

Under Section 201 of the Act, OSMRE assists state regulatory agencies in developing or revising surface mine reclamation laws, regulations, or procedures. During fiscal year 1985, three Indian Tribes (the Crow, Hopi, and Navajo) and one state (Tennessee) were awarded \$949,993 in program development grants. These grants are used to assist in the development of permanent programs by the states and Indian Tribes, and cover such activities as drafting laws and regulations, formulating organizational structures, and developing a data base and system to act on unsuitability petitions. OSMRE did not provide any initial regulatory grants in fiscal year 1985. Those grants were used in the past to administer and enforce the interim program prior to state primacy.



**PROGRAM GRANTS TO STATES/TRIBES  
(FUNDED AMOUNT)  
AS OF 9/30/85**

STATE	INITIAL REGULATORY GRANTS		PROGRAM DEVELOPMENT GRANTS	
	FY 1984	FY 1985	FY 1984	FY 1985
ALABAMA				
ALASKA				
ARIZONA				
ARKANSAS				
COLORADO				
CROW TRIBE			\$137,510	\$166,730
GEORGIA				
HOPi TRIBE			5,228	204,604
ILLINOIS				
INDIANA				
IOWA				
KANSAS				
KENTUCKY				
LOUISIANA				
MARYLAND				
MICHIGAN				
MISSISSIPPI				
MISSOURI				
MONTANA				
NAVAJO			269,911	437,859
NEW MEXICO				
NORTH DAKOTA				
OHIO				
OKLAHOMA				
PENNSYLVANIA				
RHODE ISLAND				
TENNESSEE			131,850	140,800
TEXAS				
UTAH				
VIRGINIA				
WASHINGTON				
WEST VIRGINIA				
WYOMING				
<b>TOTAL</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 544,499</b>	<b>\$ 949,993</b>

### Regulatory Grants to States with Permanent Programs

Section 705 of the Act authorizes OSMRE to provide grants to states with approved regulatory programs in amounts not exceeding 50 percent of the cost of the program.

In addition, when a state elects to administer an approved program on Federal lands through a cooperative agreement, it becomes eligible to receive financial assistance for up to 100 percent of the amount the Federal government would have expended in regulating coal mining on such Federal lands.

During fiscal year 1985, OSMRE awarded \$36,024,006 in regulatory grants to 21 coal-producing states with approved regulatory programs.

#### REGULATORY GRANTS TO STATES UNDER THE PERMANENT PROGRAM (FUNDED AMOUNT OF AWARD) AS OF 9/30/85

STATE	FY 1984	FY 1985
ALABAMA*	\$ 2,342,224	\$ 1,132,297
ALASKA	304,459	
ARIZONA		
ARKANSAS	186,334	
COLORADO*	783,796	908,029
ILLINOIS	2,170,000	3,086,488
INDIANA	993,542	1,968,137
IOWA	102,503	19,537
KANSAS	143,296	124,773
KENTUCKY	8,097,145	6,906,174
LOUISIANA	130,944	205,810
MARYLAND	366,738	388,941
MISSISSIPPI		
MISSOURI	473,406	91,614
MONTANA*	524,671	535,754
NEW MEXICO*	590,119	851,461
NORTH DAKOTA*	106,757	427,779
OHIO*	2,787,146	3,198,217
OKLAHOMA	421,215	506,172
PENNSYLVANIA	9,043,651	8,155,408
RHODE ISLAND		
TENNESSEE	1,441,200	
TEXAS	586,114	413,179
UTAH	829,440	1,046,431
VIRGINIA	2,234,551	2,007,924
WASHINGTON		
WEST VIRGINIA*	1,915,336	2,717,543
WYOMING*	1,020,231	1,332,338
TOTAL	\$37,594,818	\$36,024,006

\* States with cooperative agreements for regulating coal mine reclamation on Federal lands.

Section 529 of the surface mining act provides for special environmental protection standards for anthracite coal mining operations. To qualify for this provision, states must have had laws for anthracite mines in effect on August 3, 1977. Pennsylvania was the only state with established anthracite mining rules on that date. Therefore, anthracite mining operations in Pennsylvania must comply with the environmental protection standards contained in the Pennsylvania statutes instead of some of the standards required by the OSMRE permanent program regulations.

The surface mining act also requires OSMRE to report biennially to Congress on the effectiveness of such state anthracite regulatory programs in protecting the environment.

Since gaining primacy in 1982, Pennsylvania has removed two conditions of program approval specifically pertaining to anthracite coal mining. Only one condition pertaining to anthracite prime farmland remains outstanding and is in the process of being resolved through Federal rulemaking. Since gaining primacy, Pennsylvania has improved program performance in the areas of inspection frequency, completeness of inspections, documenting inspections, the handling of citizen complaints, the release of bonds, and the citation of violations.

Pennsylvania is continuing to address two persistent problems specific to the implementation and full operational level of its anthracite program. First, Pennsylvania has made significant progress in applying its approved permanent program enforcement and permitting regulations to a class of small anthracite underground operators which have historically been unregulated and unpermitted. Pennsylvania identified and inventoried the problem operations, reviewed the operational status of each operation, and has been systematically applying enforcement provisions, including closure orders, to bring these operations into full compliance with permitting obligations under the surface mining act. Recently the state filed pleadings in Commonwealth Court to force compliance with closure orders on several of these operations.

Second, Pennsylvania is channeling program effort toward permitting and inspecting anthracite preparation plants to bring such operations under the approved program framework. These operations now receive a high priority as a result of a substantial programmatic and field reorganization in 1985 which consolidated all surface coal mining and reclamation operations, including preparation plants, under one inspection, enforcement, and permitting agency.

## **FEDERAL REGULATORY PROGRAMS**

### **Federal Programs for States**

OSMRE is required to regulate surface coal mining and reclamation activities on non-Federal and non-Indian lands in a state if:

- the state's proposal for a permanent program is not approved by the Secretary of the Interior;
- the state does not submit its own permanent regulatory program; or
- the state fails to implement, enforce, or maintain its approved state program.

Although OSMRE encourages and supports state primacy in the regulation of surface coal mining and reclamation operations, certain states with coal reserves elected not to submit regulatory programs. These states therefore became Federal Program States, with mine reclamation regulated by the Office of Surface Mining Reclamation and Enforcement. Full Federal programs are now in effect for Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. Of these, only Tennessee and Washington have active coal mining.

### **Federal Lands Program**

Section 523(a) of the Surface Mining Control and Reclamation Act requires the Secretary of the Interior to issue and implement a Federal program applicable to all surface coal mining and reclamation operations taking place on Federal lands. On February 16, 1983, OSMRE promulgated the current Federal Lands Program.

The Federal Lands Program is critical because the Federal Government owns significant coal reserves, primarily in the West, that must be developed under the Federal Coal Management Program of the Bureau of Land Management, U.S. Department of the Interior. Of the 234 billion tons of identified coal reserves in the western region, 60 percent is Federally owned.

Administration of most surface mining requirements for the Federal Lands Program may be delegated by OSMRE to states with approved state regulatory programs through cooperative agreements. However, certain responsibilities cannot be delegated and must be retained by the Secretary.

Once OSMRE and a state have reached a cooperative agreement, the state regulatory authority assumes responsibility for permitting, inspection, and enforcement of surface coal mining activities on Federal lands in the state. OSMRE, however, maintains an oversight function to ensure that the regulatory authority fully exercises its delegated responsibility under the cooperative agreement. In states not having a cooperative agreement, the required permitting, inspection, and enforcement activities are carried out by OSMRE.

In fiscal year 1985, a cooperative agreement was entered into with Alabama, bringing the number of states with such agreements to eight. These are Alabama, Colorado, Montana, New Mexico, North Dakota, Ohio, West Virginia, and Wyoming. In addition, work is continuing on cooperative agreements with Virginia and Utah.

### **Indian Lands Program**

OSMRE has issued rules implementing a Federal program for Indian lands, as required by Section 710(d) of the Act. The rules make most of the permanent program requirements applicable to Indian lands.

In addition, under existing agreements with the Crow, Hopi, and Navajo Tribes, OSMRE continues to provide technical and financial assistance for developing their mining and reclamation programs.

### **Designation of Lands as Unsuitable For Mining**

The surface mining law provides that citizens have the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations if they believe the land is fragile, historic, or cannot be reclaimed successfully. During fiscal year 1985, OSMRE received a petition to determine the unsuitability of lands for surface coal mining and reclamation operations in the Rock Creek Watershed of Tennessee. Evaluation of the petition has been initiated.

OSMRE also received a petition to determine the unsuitability of lands for mining in the Flat Fork area of Tennessee. Processing of that petition has been suspended pending administrative review by the Interior Board of Land Appeals.

Also in fiscal year 1985, two active petitions were carried over from fiscal year 1984. One of these is the Black Diamond petition, which was filed with OSMRE on April 6, 1984, by Citizens Concerned about Strip Mining. It involves an 800-acre site in King County, Washington, containing the John Henry No. 1 mine permit area, which has been proposed for mining by the Pacific Coast Coal Company. OSMRE has rejected that part of the petition coinciding with the area identified in the permit application and is proceeding with the petition as it relates to the remainder of the area.

Action on the Red Rim petition, filed by the National Wildlife Federation and the Wyoming Wildlife Federation, also carried through fiscal year 1985. The petition involves approximately 19,500 acres of combined private, state, and Federal land located southwest of Rawlins, Wyoming. On May 23, 1985, Wyoming decided not to designate any of the private lands within the petition area as unsuitable for mining. As a result, Wyoming then withdrew from preparation of the final Petition Evaluation Document and Environmental Impact Statement, and OSMRE assumed full responsibility for preparing those documents. (In May 1986, OSMRE issued a decision limiting any mining to the northern half of the area, until it is shown that the land can be reclaimed to provide winter habitat for antelope populations.)

### **Valid Existing Rights**

The surface mining law prohibits surface coal mining in certain areas, including national parks, wilderness areas, wildlife refuges, recreation areas, and wild and scenic river areas, subject to "valid existing rights."

During fiscal year 1985, one "determination of valid existing rights (VER)" was concluded. Also during the year two requests for "determination of VER" were received. Subsequent to the VER approval and prior to the new requests, the U.S. District Court for the District of Columbia ruled that the promulgation of the definition of VER in 30 CFR 761.5(a) did not comply with the Administrative Procedure Act and remanded the rule to the Secretary of the Interior. OSMRE has been working to comply with the court order.

### Mining Plan Review

During fiscal year 1985, OSMRE continued its review of mining plans and permit applications for coal mining on Federal lands, Federal Program Lands, and Indian lands. Mining plan reviews are conducted to determine whether the mine operators are complying with the requirements of the Mineral Leasing Act of 1920, as amended, and the operation and reclamation plan requirements of the Surface Mining Control and Reclamation Act.

The operator must address the effects of mining before a mining plan or permit will be approved on Federal land. (Where the authority to approve permits on Federal lands has been delegated to a state under a cooperative agreement, the state issues a permit on the Federal lands.)

During fiscal year 1985, sixteen mining permits and one mining plan were approved on lands subject to a Federal Program. OSMRE also issued 33 permits and approved 17 mining plans for coal mining on Federal lands. Three mining plans and two permits were approved on Indian lands.

### FEDERAL MINING PLAN/PERMIT APPLICATION STATUS

State or Indian Tribe	EIS's Published	Mining Plans Approved	Permits issued by OSMRE
<b>FEDERAL PROGRAM STATES</b>			
Tennessee	1	0	16
Washington	1	1	0
Total	2	1	16
<b>FEDERAL LANDS PROGRAM</b>			
<b>Eastern States:</b>			
Illinois	0	0	0
Kentucky	0	0	14
Ohio	0	0	0
Virginia	0	0	0
West Virginia	0	0	0
Subtotal	0	0	14
<b>Western States:</b>			
Colorado	0	3	3
Montana	1	2	2
New Mexico	1	1	1
North Dakota	0	1	1
Oklahoma	0	1	1
Utah	0	4	4
Wyoming	0	5	7
Subtotal	2	17	19
Total	2	17	33
<b>INDIAN LANDS PROGRAM</b>			
Arizona	0	1	1
Montana	1	1	1
Wyoming	0	1	0
Total	1	3	2
<b>GRAND TOTAL</b>	<b>5</b>	<b>21</b>	<b>51</b>

### Inspection and Enforcement

In primacy states—those with primary responsibility for enforcing a surface mining regulatory program—OSMRE makes periodic inspections of mine sites to monitor the state's effectiveness in enforcing the program and to identify areas in which the state may need assistance.

During fiscal year 1985, OSMRE conducted 5,088 oversight inspections with an average of 69 full-time inspectors. The inspections resulted in the issuance of 740 Ten-Day Notices, 132 Notices of Violation, and 110 Cessation Orders.

Also, during fiscal year 1985, OSMRE conducted enforcement activities in Tennessee and Oklahoma. In Tennessee, OSMRE conducted 3,878 complete inspections and 7,019 partial inspections, using an average of 35 full-time inspectors with term appointments, located at the Norris and Chattanooga Area Offices. The inspections resulted in the issuance of 874 Notices of Violation and 433 Cessation Orders.

In Oklahoma, OSMRE conducted 821 complete inspections and 2,331 partial inspections with an average of six full-time inspectors with term appointments, located at the Muskogee Area Office. These inspections resulted in the issuance of 317 Notices of Violation and 142 Cessation Orders.

In addition to the inspection and enforcement activities stated above, OSMRE conducted inspections and instituted enforcement actions in the Federal Program states of Georgia and Washington; on Federal lands in states without cooperative agreements; and on Indian lands.

### OVERSIGHT INSPECTION ACTIVITIES FY 1985

State	Sampling Inspections	Other Inspections	Ten-Day Notices Issued	Notices of Violation	Cessation Orders
Alabama	206	214	98	16	18
Alaska	1	6	1	0	0
Arkansas	45	23	12	8	5
Colorado	46	3	13	0	0
Illinois	93	37	52	0	1
Indiana	239	95	78	5	1
Iowa	30	9	18	0	0
Kansas	50	11	6	0	0
Kentucky	459	631	149	22	29
Louisiana	5	0	1	0	0
Maryland	88	13	6	1	0
Missouri	50	46	23	2	0
Montana	15	16	2	0	0
New Mexico	7	17	3	2	0
North Dakota	85	12	6	0	0
Ohio	371	97	104	5	3
Pennsylvania	313	643	44	34	25
Texas	20	17	9	4	0
Utah	23	2	6	1	0
Virginia	231	255	31	31	27
West Virginia	248	273	76	1	1
Wyoming	41	2	2	0	0
<b>Total</b>	<b>2666</b>	<b>2422</b>	<b>740</b>	<b>132</b>	<b>110</b>

## FEDERAL PROGRAMS INSPECTION ACTIVITIES FY 1985

State	Complete Inspections	Partial Inspections	Notices of Violation	Cessation Orders
Georgia	36	21	4	2
Oklahoma	821	2331	317	142
Tennessee	3878	7019	874	433
Washington	29	4	4	2
Total	4764	9375	1199	579

## FEDERAL LANDS INSPECTION ACTIVITIES FY 1985

State	Complete Inspections	Partial Inspections	Notices of Violation	Cessation Orders
Illinois	44	20	1	1
Kentucky	132	268	12	1
Oklahoma	31	42	2	1
Utah	8	0	0	0
Virginia	10	27	1	1
Total	225	357	16	4

## INDIAN LANDS INSPECTION ACTIVITIES FY 1985

State	Complete Inspections	Partial Inspections	Notices of Violation	Cessation Orders
Arizona	7	6	8	0
Montana	6	12	0	0
New Mexico	16	17	4	0
South Dakota	2	0	1	0
Wyoming	5	6	0	0
Total	36	41	13	0

## Alternative Enforcement

As a result of an agreement reached between the Department of the Interior and counsel for the plaintiffs in *Save Our Cumberland Mountains, Inc., et al. v. Hodel, et al.*, Civil Action No. 81-2134 (D.D.C.) (Parker, J.), and *Council of the Southern Mountains, Inc., et al. v. Hodel, et al.*, Civil Action No. 79-1521 (D.D.C.) (Gasch, J.), Judge Parker issued a revised Court Order on February 1, 1985. The revised Order addresses enforcement and collection issues surrounding failure-to-abate cessation orders issued by OSMRE, particularly those issued between May 3, 1978 and February 1, 1985. Following are the key requirements of the revised Parker Order:

- (1) Establishment of a computerized permit applicant/violator/debtor matching system to prevent violators from receiving new permits;
- (2) Development and implementation of procedures to suspend or revoke improperly issued permits;



- (3) Obtaining financial "net worth" information about violators for the purpose of prioritizing and closing enforcement cases;
- (4) Enhanced collection of civil penalties, including those against corporate officials in an effort to achieve compliance and obtain reclamation; and
- (5) More efficient use of injunction actions, criminal penalties, and contempt of court citations to compel compliance.

As a result of the revised Parker Order, OSMRE initiated or enhanced several major program activities including: (1) development of permit blocking systems to implement section 510(c) of the Act, (2) implementation and coordination of additional alternative enforcement actions, (3) disposition of alternative enforcement actions already referred to the Office of the Solicitor, and (4) the promulgation of new regulations to enhance alternative enforcement.

At the Federal and state levels, OSMRE is developing its applicant/violator permit blocking systems in three phases. Under phase one, all information collected on Federal cessation orders, delinquent Abandoned Mine Land (AML) reclamation fees, and Federal civil penalties will be automated by October 1987. Phase two will see the addition of state-issued civil penalties to the data base, and under phase three, all Federal and state air and water quality violations relative to surface mining operations will be added. The long-term goal of OSMRE is the development of a computerized system that will identify and match surface coal mining permit applicants with violators through common ownership or control to determine whether permit applicants, or those who own or control such applicants, are in violation of the Act. Development of the computerized system will provide state regulatory authorities with information that can be used to withhold or deny permits to violators who do not take corrective action to abate violations or pay penalties or AML fees.

OSMRE has already implemented an interim permit blocking system for use where mining is proposed on Federal lands and where OSMRE is the regulatory authority. Permit applications are reviewed to determine if a permit applicant, or any entity connected to an applicant through common ownership or control, is currently in violation of the Act. OSMRE uses Federal and state enforcement records, AML fee data, and air and water violation information from the Environmental Protection Agency in clearing permits.

During fiscal year 1985, OSMRE reviewed 102 surface coal mining permit applications. Of these, 47 applicants were found to be in full compliance with the Act and 55 applicants were found to have (or were linked to entities having) outstanding violations or unpaid civil penalties or AML fees. Through these efforts, permit blocking has become an effective tool to bring about settlements leading to necessary reclamation and improved collection of monies owed the Federal government. While this interim manual system can handle the limited workload associated with Federally issued permits and some state inquiries, an automated applicant/violator/debtor system is needed to handle the workload associated with the large number of permits issued by states.

As an additional measure, OSMRE has also developed procedures to suspend or revoke improperly issued permits. OSMRE implements these procedures in instances where it is determined that surface coal mining permits have been issued to an entity that had, at the time of permit issuance, unabated Federal violations or unpaid Federal civil penalties or AML fees, or was linked to such an entity through common ownership or control. In fiscal year 1985, 69 cases were investigated where permits were suspected to have been improvidently issued. As a result, 40 Federal enforcement actions were taken in eight states. The investigations resulted in settlement agreements between violators and OSMRE for the payment of \$229,200 in civil penalties and \$222,758 in AML fees.

OSMRE continued its major commitment to take enforcement actions against violators responsible for failure-to-abate cessation orders. Of the 303 failure-to-abate cessation orders reviewed by OSMRE during the year, 299 recommendations were made for injunctive relief and 17 were recommended for criminal sanctions. As a result of judicial action taken in these cases, numerous injunctions were obtained, 10 contempt of court citations were issued, and four violators were sentenced to jail. Moreover, OSMRE circulated lists of violators to the states to enable them to more effectively block violators from receiving permits.

OSMRE also took measures to act on the cases reviewed under the earlier Parker and Gasch court orders. The revised Parker Order provides for the Secretary to make better use of Departmental resources to assist in this effort. In some cases, entities and responsible parties are insolvent, and additional litigation or collection actions would be fruitless. Therefore, in order to set priorities and focus valuable resources where they can be put to best use, OSMRE and the Office of the Solicitor began identifying cases which should be pursued for judicial action and cases which should be closed. OSMRE will determine the net worth of each entity, and that of its president or chief executive officer, found to have an unabated cessation order. These net worth determinations will be used to evaluate whether an entity or individual possesses sufficient assets to compel compliance with the Act. If the net worth determination establishes that an entity is insolvent, then the case will be closed and prosecution not pursued. During fiscal year 1985, OSMRE obtained 766 net worth determinations, and referred them to the Office of the Solicitor for use in deciding which enforcement cases to litigate.

OSMRE also initiated development of two rules relating to alternative enforcement during fiscal year 1985. The first is an "Ownership and Control" rule which would amend the Federal rules governing the permit approval process by defining the terms "ownership" and "control," referenced in the Act, and by expanding the scope of findings required prior to permit approval. These amendments are needed to eliminate or greatly reduce the possibility of persons obtaining or holding surface coal mining permits in violation of the permit approval provisions of section 510(c) of the Act. The "Ownership and Control" rule was published as a proposed rule in the **Federal Register** on April 5, 1985.

Another rulemaking effort, prescribed by the revised court order, would establish criteria for the assessment of individual civil penalties. OSMRE intends to amend both its Interim and Permanent Program Inspection and Enforcement Procedures to include regulations governing the assessment of individual civil penalties against directors, officers, and agents of corporate permittees who are found to be in violation of section 518(f) of the Act.

Section 402(a) of the surface mining law requires that operators pay a reclamation fee for each ton of coal produced. The fees are deposited with the U.S. Treasury in a fund called the Abandoned Mine Reclamation Fund and are used to reclaim sites that were mined and left unreclaimed before the surface mining law was enacted in 1977. Money from the Fund is also used to administer the Small Operator Assistance Program (SOAP) and the Department of Agriculture's Rural Abandoned Mine Program (RAMP).

States with an approved state regulatory program are eligible to administer a state abandoned mine land reclamation (AMLR) program, following approval of a reclamation plan by OSMRE. Upon request from the states, OSMRE provides funding to support the state programs. Of the 24 states with regulatory primacy, all but Mississippi and Louisiana had approved AMLR programs and received funding for them from OSMRE during fiscal year 1985.

OSMRE collected more than \$226 million in reclamation fees from coal producers during fiscal year 1985. Grant requests from 22 states were approved for \$273.6 million, and were used to fund projects reflecting the highest reclamation priorities, as required by law.

In addition, approximately \$25.9 million was awarded for Federal construction projects or cooperative agreements with the states. Approximately \$10.9 million was provided to the Rural Abandoned Mine Program, with \$4.6 million of that used in administration, design, and investigation of projects and \$6.3 million used for construction.

#### **Small Operator Assistance Program (SOAP)**

Section 401(b)(1) of the Act authorizes a specified amount of the fees collected for the Abandoned Mine Reclamation Fund to be used to support the Small Operator Assistance Program (SOAP). The program is designed to assist small coal mine operators (those producing less than 100,000 tons per year at all sites) in meeting certain technical permit application requirements. The regulatory authority assumes the cost of preparing an analysis of probable hydrologic consequences and characterizing the geology and overburden materials at a proposed mining site.

These analyses are performed by qualified public or private laboratories under contract to the regulatory authority. The SOAP is administered by state regulatory authorities for those states that have gained primacy, or by OSMRE for Federal Program states.

During fiscal year 1985, OSMRE provided \$1.4 million in operational grants to the states for small mine operator assistance. Also during the year, a Federal small operator assistance program was initiated in Tennessee.

# **ABANDONED MINE RECLAMATION FUND STATUS**

State or Indian Tribe	Fees collected (FY 1985)	Interior projects (FY 1985) <sup>1</sup>	RAMP projects (FY 1985)	SOAP grants (FY 1985)	State allocation (FY 1985)	Revenues collected (FY 1978- 1985)
Alabama	\$ 6,634,622	\$ 5,857,942	\$ 260,471		\$ 3,317,311	\$ 48,271,319
Alaska	410,730	36,200	0		205,365	2,259,875
Arkansas	25,356	0	287,700		12,678	493,194
Colorado	4,769,260	179,065	0	\$ 50,000	2,384,630	37,895,193
Georgia	27,353	279,096	0		13,676	119,281
Illinois	14,003,962	180,684	174,803	100,000	7,001,981	105,977,151
Indiana	11,987,946	599,210	0	125,000	5,993,973	78,327,971
Iowa	171,701	0	394,892	109,950	85,851	1,358,010
Kansas	349,732	797,927	0		174,866	3,103,516
Kentucky	36,913,351	4,704,665	934,020		18,456,676	263,821,241
Maryland	845,428	680,220	163,325	140,000	422,714	6,964,637
Missouri	2,368,189	297,228	20		1,184,094	15,158,076
Montana	11,339,332	(1,685)	0		5,669,666	72,343,075
New Mexico	3,302,024	(252,144)	0	15,000	1,651,012	20,695,008
North Dakota	2,537,410	(71,975)	31,776		1,268,705	13,579,372
Ohio	10,191,769	649,885	972,994		5,095,884	83,208,003
Oklahoma	1,400,793	(247,087)	135,090		700,396	12,591,483
Pennsylvania	22,000,631	9,769,818	1,139,946	825,000	11,000,315	162,547,445
Tennessee	1,722,674	(876,905)	232,322		861,337	15,406,849
Texas	4,224,201	(515,000)	8,016		2,112,100	24,942,179
Utah	1,882,461	0	0		941,230	14,385,860
Virginia	7,381,225	1,054,688	571,451		3,690,612	51,680,592
Washington	1,428,748	204,673	0		714,374	12,264,851
West Virginia	22,791,279	1,252,396	898,203	50,000	11,395,639	165,570,665
Wyoming	48,725,852	4,027	97,999		24,362,926	264,496,215
Other States	0	248,213	0		0	0
Crow Tribe	876,791	277,059	0		438,396	9,289,162
Hopi Tribe	737,865	324,978	0		368,933	4,081,036
Navajo Tribe	7,375,816	429,259	0		3,687,908	53,014,585
<b>Total</b>	<b>\$226,426,498</b>	<b>\$25,862,437</b>	<b>\$6,296,624</b>	<b>\$1,414,950</b>	<b>\$113,213,249</b>	<b>\$1,543,845,845</b>

<sup>1</sup> Funds obligated from Secretary's Discretionary Share.

**AML STATE AND INDIAN PROGRAM ASSISTANCE  
(FUNDED AMOUNT OF AWARD)  
FY 1985 AWARDS**

State	Plan Preparation	First Annual Submission of Projects	Administrative Grants	Construction Grants
Alabama			\$ 1,384,171	
Alaska			160,209	
Arkansas		\$27,811	59,248	\$ 256,000
Colorado			633,035	1,384,411
Illinois			1,630,195	14,503,335
Indiana			2,134,567	6,926,131
Iowa			302,277	3,850,855
Kansas			366,383	
Kentucky			3,004,058	31,387,745
Louisiana				
Maryland			255,916	583,955
Michigan				
Mississippi				
Missouri			1,113,170	7,380,427
Montana			468,730	5,063,524
New Mexico			673,305	1,842,678
North Dakota			362,013	2,094,142
Ohio			3,294,259	8,226,725
Oklahoma			752,072	434,560
Pennsylvania			11,145,288	57,112,684
Rhode Island				
Tennessee			10,759	
Texas			809,335	
Utah			165,863	2,273,514
Virginia			1,204,385	9,051,055
Washington				
West Virginia			4,585,740	32,172,148
Wyoming			2,750,318	51,763,061
Crow	\$128,983			
Hopi	40,561			
Navajo	273,738			
<b>Total</b>	<b>\$443,282</b>	<b>\$27,811</b>	<b>\$37,265,296</b>	<b>\$236,306,950</b>

**INTERIOR DEPARTMENT AML PROJECTS  
COMPLETED OR UNDER CONTRACT IN FY 1985<sup>1</sup>**

	High Priority		Emergency	
	No.	Amount	No.	Amount
Alabama	4	\$ 4,405,959	3	\$ 6,242,937
Alaska	2	162,973	0	0
California	1	6,496	1	129,320
Colorado	2	104,622	10	207,446
Georgia	6	1,046,397	0	0
Illinois	3	1,745,218	2	804,279
Indiana	4	1,125,853	15	669,222
Kansas	3	1,866,769	1	726,333
Kentucky	5	3,853,328	61	10,979,602
Maryland	1	302,000	2	453,220
Michigan	8	1,052,397	0	0
Missouri	6	5,734,583	0	0
Montana	1	10,000	0	0
New Mexico	3	80,787	5	138,126
North Dakota	2	593,511	0	0
Ohio	11	4,516,584	20	1,321,130
Oklahoma	1	300,000	2	145
Pennsylvania	27	26,191,491	118	20,563,326
Rhode Island	1	558,000	0	0
Tennessee	1	789,075	0	0
Texas	1	50,000	1	35,000
Utah	1	114,098	0	0
Virginia	6	4,127,507	7	1,301,972
Washington	6	666,384	3	29,074
West Virginia	13	9,250,654	31	6,599,646
Wyoming	2	404,290	3	8,658
Other States	5	48,436	0	0
Crow Tribe	7	552,613	0	0
Hopi Tribe	2	678,105	0	0
Navajo Tribe	4	463,376	2	327,915
<b>Total</b>	<b>139</b>	<b>\$70,801,506</b>	<b>287</b>	<b>\$50,537,351</b>

<sup>1</sup> Funds obligated from Secretary's Discretionary Share. Total project obligations since projects were initiated.

**INTERIOR DEPARTMENT AML PROJECTS  
STARTED SINCE FY 1978<sup>1</sup>**

	High Priority		Emergency		Total	
	No.	Amount	No.	Amount	No.	Amount
1978 .....	4	\$ 2,269,886	3	\$ 101,068	7	\$ 2,370,954
1979 .....	79	9,507,614	26	358,790	105	9,866,404
1980 .....	153	47,982,176	105	3,931,334	258	51,913,510
1981 .....	10	3,170,802	97	10,450,844	107	13,621,646
1982 .....	40	14,244,183	98	6,734,196	138	20,978,379
1983 .....	38	19,610,468	151	15,951,010	189	35,561,478
1984 .....	37	7,292,400	213	19,390,772	250	26,683,172
1985 .....	13	(430,272)	192	25,908,561	205	25,478,289
<b>Total</b>	<b>374</b>	<b>\$103,647,257</b>	<b>885</b>	<b>\$82,826,575</b>	<b>1,259</b>	<b>\$186,473,832</b>

<sup>1</sup> Funds obligated from Secretary's Discretionary Share.

**NON-AML FUND PROJECTS<sup>1</sup>**

Funding source	State	No.	Federal funds obligated in FY 1985
Anthracite Mine Drainage and Flood Control Act, P.L. 84-162 (1955) and P.L. 87-818 (1962).	Pennsylvania ....	1	\$201,000
Extinguishment of Outcrop and Underground Fires, P.L. 83-738 (1954).	Colorado ..... 3		75,000
	North Dakota .... 2		5,000
Appalachian Regional Development Act, P.L. 89-4 (1965).	Maryland ..... 1		225,000
	Ohio ..... 4		0
	Pennsylvania .... 2		0
Mined land demonstrations—anthracite.	Pennsylvania .... 1		0
Mined land demonstrations—bituminous.	Illinois ..... 1		0
<b>Total</b> .....		<b>15</b>	<b>\$506,000</b>

<sup>1</sup> U.S. Bureau of Mines programs transferred to OSMRE by Secretarial Order 3074, dated February 1, 1982.

**SMALL OPERATORS ASSISTANCE PROGRAM  
(FUNDED AMOUNT OF AWARD)  
AS OF 9/30/85**

State	Operation Grants	
	FY 1984	FY 1985
Alabama	\$	\$
Alaska		
Arkansas		
Colorado	50,000	50,000
Illinois	200,000	100,000
Indiana		125,000
Iowa		109,950
Kansas		
Kentucky		
Louisiana		
Maryland		140,000
Michigan		
Mississippi		
Missouri		
Montana		
New Mexico		15,000
North Dakota		
Ohio		
Oklahoma		
Pennsylvania		825,000
Rhode Island		
Tennessee	300,000	
Texas		
Utah		
Virginia		
West Virginia	191,275	50,000
Wyoming		
Crow		
Hopi		
Navajo		
<b>Total</b>	<b>\$ 741,275</b>	<b>\$1,414,950</b>

*NOTE: NO ADMINISTRATIVE GRANTS AWARDED IN FY 1984 AND FY 1985*



**Research and Experimental Practice Program**

The Title V regulatory research program of OSMRE is an important part of the mining and reclamation program. In the active mining area, the research is divided into two groups—one dealing with studies of interest to regulatory authorities and mine operators, and the other concerned with experimental practices. In both instances, research programs are modest, short term (less than 3 years, in most cases), and have practical applications. In all studies, OSMRE personnel oversee the project from the technical aspect to assure compliance with contractual obligations and to detect areas that may require future work.

**RESEARCH STUDIES**

In fiscal year 1985, 17 projects were awarded for a total of \$637,000. Five studies, which were begun in previous years, were completed during the year. Research projects can originate from virtually any source—within OSMRE, a university, another Federal agency, or a private contractor—and are reviewed and evaluated by OSMRE technical personnel in collaboration with Bureau of Mines and United States Geological Survey technical experts. Evaluation by the two other agencies insures coordination of research efforts and prevents duplication of research.

Some projects awarded in fiscal year 1985 were:

- Monitoring Long-Term Surface Impacts on the Hydrologic Systems in Three Small Watersheds in Eastern Ohio
- Water Quality of Final-Cut Surface Mine Lakes: Controlling Factors and Predictive Models
- Feasibility of Excess Spoil on Previously Mined Lands
- Minimization of Coal Refuse Disposal Facility Related Water Deterioration
- Characterization of Leachate from Coal Refuse

Examples of completed projects are:

- Geomorphic Approach to Strip Mine Reclamation
- Improvement of Overburden Analytical Technology
- Development of Data Collection Methods for Probable Hydrologic Consequences

**EXPERIMENTAL PRACTICES**

Experimental practices are cooperative efforts among mine operators, state regulatory authorities, and OSMRE to develop and investigate innovative measures to accomplish mine operations and reclamation. A practice is proposed which varies from a design or performance standard of the regulations and, if approved, is put into operation by the mine operator. OSMRE conducts oversight of the practice. If the experimental practice proves equivalent to the standards in the regulations, it may be incorporated into the regulations through the use of rulemaking procedures. During fiscal year 1985, four practices were approved for experimental use. Five other experimental practice studies from previous years continued during fiscal year 1985.

Typical experimental practices deal with overburden backfilling and grading, excess spoil disposal sites, sedimentation ponds, and revegetation of slurry ponds.

## **Abandoned Mine Lands Research Activities**

The AML Reclamation Research Program became fully operational in 1985. Six projects, selected from proposals received in 1984, were funded and are now under way.

During fiscal year 1985, the selection process for projects to be funded the following year began with the publication of an invitation for AML research proposals in the **Commerce Business Daily**. Interest in the program is growing steadily and 104 proposals were received by the deadline. The proposals, which originated almost equally from private sources, academia, and other Federal agencies (principally the Bureau of Mines and the U.S. Geological Survey), represented a 60 percent increase over the number received the previous year.

A review panel was selected, consisting of four OSMRE and four state members. The panel reviewed all proposals and met in late summer to complete the selection process. The panel selected 17 proposals for possible funding and recommended that requests be published for proposals on specific needs not covered by the submitted proposals.

Technical negotiations were conducted with the 17 proposers in the Fall of 1985, and by the end of the fiscal year, a program plan was being developed, recommending funding of the 17 proposals as well as four that were submitted in response to the request for proposals on specific needs.

OSMRE also funded, from regular program accounts, several other studies that have AML research links but are not applied research and, therefore, were not funded from the annual research appropriation.

## **International Research**

### **Special Foreign Currency Program—India**

The Office of Surface Mining Reclamation and Enforcement has been allocated \$420,000 in Indian rupees from the Special Foreign Currency Fund to conduct research related to mine planning and reclamation. Specific areas of interest are development of comprehensive environmental management plans, water quality treatment facilities, pilot projects, workshops and information exchange, and environmental baseline monitoring. These projects, when approved by the Government of India, will conclude within three years.

# APPLIED RESEARCH PROJECTS

	Funding <sup>1</sup>				Estimated Completion Date
	FY 1982	FY 1983	FY 1984	FY 1985	
Assistance in developing OSM/RA/SCS workshop on prime farmland, topsoil and revegetation.	\$ 0	\$ 0	\$ 9,875	\$ 0	Completed
Monitoring overburden backfilling and grading operation at Browncrest No. 3 mine, Pennsylvania Coal Co., Glen Richie, Pa. <sup>2</sup>	0	0	5,000	7,250	Continuing
Monitoring excess spoil disposal area at Simco mine, Peabody Coal Co., Ostego, Ohio <sup>2</sup>	0	0	5,003	5,000	May 1986
Monitoring backfilling and grading and filling of excess spoil sites at Amos Ridge Coal Co., Wise County, Va. <sup>2</sup>	0	0	5,000	5,000	April 1986
Monitoring of excess spoil disposal site at ODNR Permit C-1247, Lawrence, Ohio. <sup>2</sup>	0	0	5,000	0	Completed
Guidance manual on subsidence control.	0	0	58,747	0	March 1986
Guidance manual for seismic and sound techniques as applied to surface mining blasting.	0	0	13,000	3,000	February 1986
Geomorphic approach to strip mine reclamation.	0	0	33,590	0	Completed
Improvement of overburden analytical technology.	79,215 <sup>4</sup>	0	0	0	March 1986
Subsidence damage criteria.	72,624	0	0	6,941	December 1985
Monitoring of alternative to sedimentation pond at Jim Bridger mine, WY. <sup>2</sup>	0	7,000	0	0	Continuing
Monitoring revegetation of a slurry pond site at IDNR permit No. 6360, Perry, Ill. <sup>2</sup>	0	5,000	0	0	Continuing
Monitoring of a highwall retention practice at Seminole No. 1 mine, Carbon County, WY. <sup>2</sup>	0	6,000	0	0	Continuing
Identification, evaluation, and demonstration of sediment control technologies.	0	431,957	0	0	February 1987
Monitoring at mine fire extinguishing practice at Big Horn Mine, MT. <sup>2</sup>	0	3,500	0	0	Continuing
Evaluation of fish and wildlife protection and mitigation practice at western coal operations.	130,000	16,500	0	4,500 <sup>3</sup>	June 1986
Student monitoring of experimental practice in Bannock, Ohio <sup>2</sup>	0	0	0	5,000	September 1986
Feasibility of excess spoil disposal on previously mined lands.	0	0	0	80,887	September 1986
Minimization of coal refuse disposal facility related water quality deterioration.	0	0	0	28,359	September 1986
<b>Total</b>	<b>\$281,839</b>	<b>\$469,957</b>	<b>\$135,215</b>	<b>\$145,937</b>	

<sup>1</sup> Funding for research projects in FY 1982, FY 1983, and FY 1984 shown only for those projects still in progress in FY 1985.

<sup>2</sup> Experimental practice.

<sup>3</sup> Funded by Division of Permit and Environmental Analysis.

<sup>4</sup> Corrected from past years to indicate obligated funds.

# INTERAGENCY RESEARCH PROJECT

Project	Cooperating Organization	FY 1982	Funding FY 1983	FY 1984	FY 1985	Estimated Completion Date
Surface subsidence due to underground mining in the eastern U.S. coal fields.	Virginia Polytechnic Institute	\$ 0	\$ 0	\$ 99,964	\$ 0	October 1986
Support for committee on guidelines for paleontological collecting.	National Academy of Sciences	0	0	25,000	0	September 1986
Hydrologic investigation of reclaimed coal mine areas in eastern Kentucky.	U.S. Geological Survey	0	0	85,000	0	June 1986
Development of wider diversity of plant materials for use in revegetation of strip-mined lands.	U.S. Department of Agriculture	92,000	0	92,000	70,000	April 1986
Effects of controlled overburden placement on mine spoil properties for revegetation.	Virginia Polytechnic Institute	49,120	0	71,507	0	February 1986
Economic/environmental feasibility of lignite mining in Mississippi.	Coahoma Jr. College	0	125,000	0	0	Completed
Aerial photography support.	Tennessee Valley Authority	90,000	0	0	0	Continuing <sup>5</sup>
Strength of consolidation characteristics of coal refuse for design and constructing of disposal facilities.	University of Kentucky	0	0	89,403	0	January 1987
Establishment of cooperative statewide fish and wildlife species information system.	Bureau of Land Management	0	0	120,900	0	Continuing
Support for eighth summer field institute on western energy and minerals opportunities-problems and policy issues.	Colorado School of Mines	0	0	0	15,000	September 1986
Support for committee on ground hazards mitigation research.	National Academy of Sciences	0	10,000	10,000	10,000	Continuing
Optimum moisture requirements for establishment of native species on top-soiled coal mine spoils in Four Corners area of New Mexico.	U.S. Department of Agriculture	120,000	0	0	0	March 1986
Federal high-altitude photography program modification.	U.S. Geological Survey	95,000	0	90,000	0	Continuing
Study of Flattened Musk Turtle.	U.S. Fish and Wildlife Service	0	0	60,000	0	January 1986

## INTERAGENCY RESEARCH PROJECT

Project	Cooperating Organization	FY 1982	Funding FY 1983	FY 1984	FY 1985	Estimated Completion Date
Development of data-collection methods for probable hydrologic consequences.	U.S. Geological Survey	0	0	20,000	0	Completed
User's manual to the benthic macroinvertebrates of the Warrior coal field.	Geological Survey of Alabama	0	0	30,000	0	August 1986
Relationships between tree growth and water-table fluctuation in a mature oak hickory forest in southern Illinois.	Southern Illinois University	0	0	31,383	0	May 1987
Core support program.	National Academy of Sciences	55,000	55,000	0	0	Continuing <sup>a</sup>
Prime farmland special study: soil vs. crop production as a measure of soil productivity for bond release.	University of Illinois	0	130,033	0	0	March 1986
Sedimentation/hydrology of surface mined lands in the Appalachian Plateau area of Maryland, West Virginia and Pennsylvania.	Tennessee Valley Authority	100,000	75,000	0	0	April 1986
Preparation of ground-water protection manual	U.S. Geological Survey	0	0	0	15,000	September 1986
Monitoring long term surface impacts on the hydrologic systems in three small watersheds in eastern Ohio.	U.S. Geological Survey	0	0	0	116,000	September 1986
Water quality of final cut surface mine lakes: Controlling factors and predictive models.	Argonne National Laboratory	0	0	0	195,000	September 1986
Second workshop on surface subsidence due to underground mining.	West Virginia University	0	0	0	12,000	September 1986
Characterization of leachate from coal refuse.	Western Research Institute	0	0	0	58,314	September 1986
<b>Totals</b>		<b>\$601,120</b>	<b>\$395,033</b>	<b>\$825,157</b>	<b>\$491,314</b>	

<sup>a</sup> Current funding by Divisions of AML, FRP, and Regulation and Inspections.

<sup>b</sup> Funded by Division of AML.

## AML RESEARCH PROJECTS

Title	Proposing Organization	Funding	Completion Date
<b>Characterization of Remote Combustion</b>	U.S. Bureau of Mines	\$237,100	April 1987
<b>Application of Time Domain Reflectometry to Subsidence Monitoring</b>	Illinois Geological Survey and North Western University	\$247,685	April 1988
<b>Use of Foaming Mud Cement to Terminate Underground Coal Fires and to Control Subsidence of Burn Cavities</b>	Wyoming Department of Environmental Quality and the Colorado School of Mines Research Institute	\$250,465	November 1986
<b>Cavity Detection By High Resolution Reflection Seismology</b>	Kansas Geological Survey and the University of Kansas	\$225,512	April 1987
<b>Guidelines for Subsidence Abatement Over Abandoned Mine Lands</b>	West Virginia University	\$249,962	April 1987
<b>The Location, Extinguishing, and Reignition Inhibition of Refuse and Underground Fires, Through High Pressure Waterjet Utilization</b>	Montana Department of State Lands and the University of Missouri-Rolla	\$201,478	June 1986
<b>Research-Related FY 85 Projects</b>			
<b>Survey of Research and Test Plots on Land Surface Mined for Coal</b>	U.S. Bureau of Mines and Southern Illinois University at Carbondale	\$ 82,248	July 1987
<b>A Study of Abandoned Mine Land</b>	National Academy of Sciences	\$250,000	November 1986

### Assessments And Collections

During fiscal year 1985, 2,221 citations for 3,604 coal mining violations were received from field inspectors for penalty assessments. OSMRE issued 2,016 notices of proposed assessment for 3,337 violations, in the amount of \$27,851,530. A total of \$154,248 in escrow payments was received for cases under review by the Office of Hearings and Appeals, and \$968,203 in payment of outstanding assessments was received. In addition, 1,207 Final Orders of the Secretary in the amount of \$19,273,405 were mailed to debtors, and 369 cases showing a delinquent debt of \$9,443,950 were referred to the Solicitor's Office for legal action.

Through a reorganization, the Assessments and Collections unit was elevated to the Division level, and now consists of two functional branches. Along with a change in its organizational status, the Division has expanded in size. Employees with experience in debt collection activities were hired from the Internal Revenue Service and other agencies.

The Assessments Branch has eliminated a backlog of 400 outstanding violations. The introduction of a microtracking system has enabled management to monitor violations throughout the assessment process to ensure that regulatory and statutory timeframes are met. In fiscal year 1985, the branch began reviewing cases that are awaiting a hearing with the Office of Hearings and Appeals to determine if requests for a hearing are being filed timely and if the full amount of the penalty has been placed in escrow. If these prerequisites are not satisfied, the branch submits a request to have the application for hearing dismissed.

Requirements under the Debt Collection Act have been fully implemented by the Collection Branch, including charges of nine percent interest, six percent penalty, and administrative fees on all delinquent debts. The collection demand letters have been revised to reflect the Debt Collection Act provisions and tougher collection policies. With the help of contractors, several procedures have been initiated to reduce substantially the backlog of collection cases. The Collection Branch is now using the services of a private collection agency under contract with the General Services Administration. The Department of the Interior is the first government agency to avail itself of this new contract. Financial management and payment processing has improved with implementation of a new procedure requiring that all payments of fees and fines be sent directly to one central location. Functional specifications for a microcomputer tracking system have also been developed to track collection cases, perform inquiries, and generate management reports.

## **Financial Management**

At the close of fiscal year 1985, arrangements were being made with the Mellon Bank in Pittsburgh, Pennsylvania, to establish a lockbox for accepting AML fees of approximately \$113 million per year. Under the new procedure, pre-addressed envelopes for AML check payments will be sent directly to Mellon Bank, rather than to OSMRE, thus making the funds available to the U.S. Government two days sooner. This deposit procedure will result in annual savings of \$71,167 to the Government. In addition, OSMRE annually collects approximately \$113 million via wire transfer arrangements with large coal companies. The combination of these two collection methods is part of the Cash Management Improvement Program under Reform 88, the Presidential initiative to make government collection procedures more efficient.

## **Managerial Development**

As a follow-up to the **Seminar for New Professionals** held in fiscal year 1984, the Personnel Office developed a second seminar for new professionals entitled **Seminar for Mid-Level Professionals**, held in June 1985. This 3-day seminar further enhanced the development of the new professional in the areas of writing, time management, stress management, briefing techniques, and other related skills.

In addition, the Personnel Office developed and presented to 60 mid-level managers and professionals two sessions on **Managing For Results**. The seminars were a follow-up to training presented to higher level managers in previous years and focused on human-relations skills to enhance productivity.

## **Monitoring Potential Conflicts of Interest**

OSMRE continued to monitor the state and Federal ethics programs and to provide grant recipients with a better understanding of the Act and corresponding statutes and regulations. Several divestiture orders were issued in fiscal year 1985, resulting in resolution of those conflicts. OSMRE continues to make every effort to heighten the awareness of grant recipients regarding the conflict of interest program.



Activity	Appropriations in thousands of dollars <sup>1</sup>			
	FY 1984	FY 1985	FY 1986 <sup>2</sup>	FY 1987 <sup>3</sup>
<b>REGULATION AND TECHNOLOGY</b>				
State regulatory program grants .....	\$ 38,100	\$ 36,734	\$ 35,387	\$ 45,110
Federal regulatory programs .....	26,327	36,619	38,801	42,582
Program Operations and Inspection .....	(13,776)	(23,729)	(26,417)	(26,821)
Technical Services and Research .....	(12,551)	(12,890)	(12,384)	(15,761)
General administration .....	6,268	6,994	7,314	13,188
<b>Total Regulation and Technology .....</b>	<b>\$ 70,695</b>	<b>\$ 80,347</b>	<b>\$ 81,502</b>	<b>\$100,880</b>
<b>ABANDONED MINE LAND FUND</b>				
State reclamation program grants .....	\$235,900	\$257,740	\$149,441	\$150,600
Federal reclamation programs .....	31,253	34,825	40,619	34,489
Fund management .....	(6,298)	(6,599)	(6,562)	(7,539)
Federal reclamation projects .....	(14,373)	(18,426)	(25,038)	(26,150)
Rural Abandoned Mine Program .....	(10,582)	( 9,800)	( 9,019)	( 800)
Small Operator Assistance Program .....	0	0	2,949	0
General administration .....	4,075	4,376	4,268	5,431
<b>Total, AML Fund .....</b>	<b>\$271,228</b>	<b>\$296,941</b>	<b>\$197,277</b>	<b>\$190,520</b>
<b>Total, Office of Surface Mining Reclamation and Enforcement .....</b>	<b>\$341,923</b>	<b>\$377,288</b>	<b>\$278,779</b>	<b>\$291,400</b>

<sup>1</sup> President's budget (proposal to Congress)

<sup>2</sup> Totals reflect Public Law 99-177 sequestrations.

<sup>3</sup> Estimate

**STAFFING (September 30, 1985)**

Office	Authorized positions
<b>PERMANENT FULL-TIME POSITIONS</b>	
Washington, D.C. ....	345
Technical Center	
East (Pittsburgh, Pa.) ....	120
West (Denver, Colo.) ....	77
Field Offices:	
Albuquerque, N.Mex ....	17
Big Stone Gap, Va ....	18
Birmingham, Ala ....	19
Casper, Wyo ....	16
Charleston, W.Va ....	14
Columbus, Ohio ....	18
Harrisburg, Pa ....	9
Indianapolis, Ind ....	13
Kansas City, Mo ....	9
Knoxville, Tenn ....	22
Lexington, Ky ....	13
Springfield, Ill ....	13
Tulsa, Okla ....	12
Area Offices:	
Beckley, W.Va ....	10
Johnstown, Pa ....	14
Lebanon, Va ....	5
London, Ky ....	9
Madisonville, Ky ....	7
Morgantown, W.Va ....	12
Pikeville, Ky ....	12
Wilkes-Barre, Pa ....	6
Total ....	822
<b>EMPLOYMENT CEILINGS</b>	
Permanent full-time ....	822
Permanent part-time ....	39
Temporary ....	180
Total ....	1041