



OFFICE OF SURFACE MINING
PITTSBURGH FIELD DIVISION
NEWSLETTER
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OHIO'S PROPOSED AMENDMENT

OSM has received a proposed amendment to the Ohio regulatory program to reflect changes promulgated by the U.S. EPA related to coal remining operations.

Specifically, Ohio is proposing revisions to the Ohio Administrative Code Sections 1501:13-4-15 and 1501:13-1-02 relating to coal remining operations and water quality standards. The intent of the amendment is to ensure that Ohio's program is consistent with the U.S. EPA water quality standards relating to coal mining operations.

If you would like a copy of the January 20, 2004, *Federal Register* notice concerning this amendment, please call our Columbus office at 614-416-2238.

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APPALACHIAN REFORESTATION INITIATIVE

OSM's Appalachian region has embarked on a new initiative for the purpose of encouraging tree planting on reclaimed mined lands. The initiative is intended to bring together interested stakeholders in each Appalachian coal-mining state for the purpose of promoting the greater use of trees in the reclamation process.



OSM has created a team with both State and Federal representatives from the Appalachian region. Team members will be responsible for educating stakeholders about the Forestry Reclamation Approach to reclaiming mine sites for

greater productivity and timber value than forests on unmined lands.

The Reforestation Initiative will also seek to develop partnerships with various stakeholders to promote reforestation on both Title IV and Title V sites.

The latest technology for creating productive forestland will also be an integral part of the Initiative. This information will be made readily available to the mining industry and other interested parties.

Reforestation demonstration areas will be developed in each state with a mining industry partner using the Forestry Reclamation Approach Technology, which has been developed by various university researchers.

The initial team meeting for OSM representatives involved in the Initiative is slated for mid-March 2004. Additional information regarding the Initiative can be obtained from the following OSM representatives:

Maryland: Pete Hartman (412) 937-2905

Ohio: Mike Hiscar (614) 416-2238, ext 108

Pennsylvania: Ike Isaacson (814) 533-4398

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**BUSH ADMINISTRATION PROPOSAL ACCELERATES
RECLAMATION OF DANGEROUS COAL MINES**

Secretary of the Interior Gale Norton unveiled the Bush Administration's proposal to accelerate the cleanup of dangerous abandoned coal mines, and direct funds to the highest-priority areas. The reauthorization proposal would provide sufficient funding to eliminate all significant health and safety problems within 25 years, removing an average of 142,000 people from risk annually.

At a Harrisburg press event to announce the proposal, Secretary Norton was joined by Pennsylvania Gov. Ed Rendell, U.S. Reps. John Peterson and Don Sherwood, and Tim Schaeffer, Director of the Central Pennsylvania Environmental Council.



Pictured left to right: Fred Sherfy, Dave Hamilton, and Tom Shope, OSM; Secretary Gail Norton, OSM Director Jeff Jarrett, Joan Hopler, George Rieger, and Linda Szeerba, OSM.

“The Abandoned Mine Land (AML) program has made thousands of Americans living in the coalfields safer,” said Norton. “But the job is not finished; this is our opportunity to ensure not only that the job will be completed, but completed on average 22 years sooner and in some cases, several decades sooner, at a savings of \$3.2 billion.”

The 1977 Surface Mining Control and Reclamation Act established OSM and authorized the office to collect fees to finance reclamation of abandoned mine lands. Through the AML program, problems at many high-priority sites have been addressed. However, when AML coal fee collection authority expires in September 2004, approximately \$3 billion in significant health and safety problems will still remain. These are not merely “ugly landscapes” that need to be cleaned up; these are serious health and safety hazards. A recent study conducted by OSM found that 3.5 million Americans live less than one mile from health and safety hazards created by abandoned coal mines.

There is a fundamental imbalance between the goals established by the 1977 Act and the requirements for allocating funds under the Act. The statutory allocation formula limits the ability of the AML program to meet its primary objective of abating AML problems on a priority basis. The majority of grant funding, or 71 percent, is distributed to states on the basis of current production. Yet there is no relationship between current production and the

magnitude of the AML problem in each State. As a result, some States have completed reclamation on all of the abandoned coal mine sites or are working on low-priority sites, while others are still decades away from completing reclamation of the most critical high-priority sites.

Interwoven with the allocation issue is the need to address States and Indian Tribes that have been certified as having completed the reclamation of coal mining-related AML sites. Unappropriated balances in the AML fund that would be available under the 1977 Act to certified States and Tribes are expected to reach about \$530.0 million by the end of September 2004.

An Administration legislative proposal accompanying the 2005 budget will correct the fundamental imbalance in the current law. To support this legislation, the President is requesting a record increase of \$53 million for the AML program in his FY 2005 budget proposal. The reauthorization proposal will direct resources to sites where the danger is greatest by allocating grants solely on a historic production basis. States and Tribes having certified as to the completion of all high priority projects will not receive allocations from new collections under the proposal, but will receive unappropriated balances due them on an expedited basis, over a ten-year period, at a rate of \$53.0 million per year. By focusing the allocation of AML dollars, this proposal will yield a savings of \$3.2 billion over the life of the program. In addition, the proposed reforms will allow for a phased-in fee reduction of nearly 20 percent.

Jeff Jarrett, Director of OSM said, “Congress passed the Surface Mining Control and Reclamation Act of 1977 to clean up billions of dollars worth of lands and water damaged by the adverse affects of past mining activities. This legislation keeps the promise made to states 25 years ago, and makes a new promise to the American people to finish the job.”

The proposed reauthorization will not only direct dollars to the most serious reclamation problems, it will also increase AML fund interest transfers to the United Mine Workers of America Combined Benefit Fund for the health benefit expenses of the unassigned beneficiaries (the 17,000 beneficiaries covered under the CBF that were employed by companies that no longer exist

The budget supports the reauthorization proposal, providing \$149.5 million in the AML fund to continue reclamation activities and \$53.0 million for the first payment of unappropriated balances to the certified States and Tribes. The budget also provides \$9.4

million to address emergencies in States and Tribes that do not have emergency programs and \$31.9 million for Federal Reclamation programs.

Total funding requested for the Regulation and Technology program is \$108.9 million, an increase of \$3.5 million compared to the 2004 enacted budget. A portion of the increase, \$1.2 million, will go to State Regulatory grants to help States meet rising costs.

Maryland receives an annual reclamation grant of \$1.5 million under the current law. Under the Administration's proposed legislation, Maryland would receive an additional \$0.5 million annually.

Ohio receives an annual reclamation grant of \$5.6 million under the current law. Under the Administration's proposed legislation, Ohio would receive an additional \$4.1 million annually.

Pennsylvania receives an annual reclamation grant of \$24.1 million under the current law. Under the Administration's proposed legislation, Pennsylvania would receive an additional \$11.4 million annually.

"Our proposed legislation will reauthorize our fee collection authority, solve some of the AML program's inherent problems and continue this valuable program in a way that is fair and makes sense, while making America's lands safer," said Jarrett.

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