

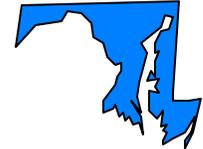


**OFFICE OF SURFACE MINING
OVERSIGHT & INSPECTION BRANCH
NEWSLETTER
OCTOBER 2001**



**4480 REFUGEE ROAD
COLUMBUS, OH 43232**
614-866-0578
Fax 614-469-2506

**THREE PARKWAY CENTER
PITTSBURGH, PA 15220**
412-937-2153
Fax 412-937-2888



OSM IMPOUNDMENT REVIEW CRITERIA

As a result of several breakthroughs into underground mines over the last few years, OSM developed an action plan to prevent impoundment breakthroughs. One of the tasks included in this effort was to develop and distribute criteria that should be considered in re-evaluating existing high-risk impoundments over or adjacent to underground mine works. This review is being conducted with the National Academy of Science (NAS) "Study on Preventing Coal Waste Impoundment Failures and Breakthroughs." In addition, OSM developed draft criteria and circulated it to State Regulatory Authorities, OSM Regional and Field Offices, and MSHA for review and comment. OSM revised the draft criteria based on comments received. The final document titled "Criteria for Evaluating the Potential for Impoundment Leaks into Underground Mines (Existing and Proposed Impoundments)" was released in July 2001.

The objective of the document is to provide regulatory authorities and others with criteria for evaluating existing and proposed impoundments to prevent unplanned and unpermitted discharges into underground mines. The criteria provide a consistent methodology to determine breakthrough potential based upon sound engineering principles, technical research, and past experiences of State and Federal agencies. The document should be helpful to mine operators, consultants, and others who have impoundments or develop plans for impoundments.

You can obtain copies of the criteria by contacting the Columbus or Pittsburgh OSM Offices.

####

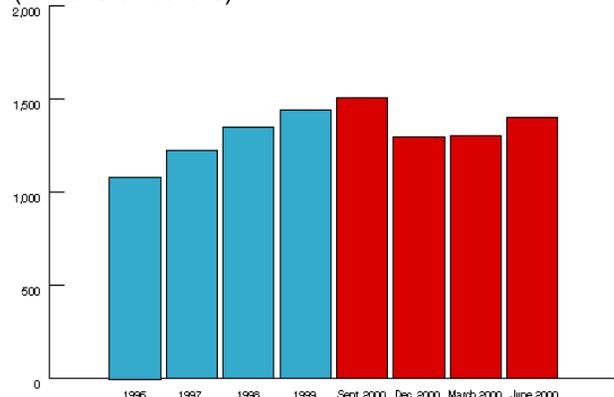
STATUS OF AML FUND

The Surface Mining Law provides for the restoration of lands mined and abandoned or left inadequately restored before August 3, 1977. Production fees of 35 cents per ton of surface mined coal, 15 cents per ton of coal mined underground, and 10 cents per ton of lignite are collected from coal producers at all active coal mining operations. The fees are deposited in the Abandoned Mine Reclamation Fund, which is used to pay the reclamation costs of abandoned mine land projects. The fund consists of fees, contributions, late payment interest, penalties, administrative charges, and interest earned on investment of the fund's principal. From January 30, 1978, when the first fees were paid, through September 30, 2000, the fund had collected \$5,824,948,615.

Unappropriated balance of the Fund: 1996 - Present

Current balance \$1,398,116,672.48 (June 30, 2001)
Federal Share \$ 554,956,488.79
State Share \$ 843,160,183.69 [State share balance](#)

(Millions of dollars)



CITIZEN COMPLAINT REVIEW

OSM completed a study of Ohio's process for responding to citizen complaints. The study excluded blasting complaints since OSM recently reviewed that program area. OSM reviewed 25 citizen complaint files out of a total of 49 complaints received between January 1, 2000, and April 1, 2001. The complaints reviewed were distributed among the North and South regional offices. A summary of OSM's findings and recommendations from this review follows.



Although Ohio developed a hydrology complaint database since our last study, in this review we found four hydrology complaints on the District complaint logs that were not in the hydrology complaint

database. Inconsistencies between the District complaint logs and the hydrology complaint logs could result in complaints being overlooked. Several resolved complaints were not logged as such on the District complaint logs, but were noted in the hydrology complaint database. Inconsistent filing systems also make it difficult to review or track an individual complaint to determine the status of the complaint or if a final response or conclusion was provided.

We found in this review, as well as in the 1998 review, that Ohio has difficulty providing timely interim and final responses to hydrology complaints. We identified two logged complaints, one hydrology and one general, where Ohio had not documented any action that was taken to investigate the complaints. There were a total of eight complaint files we reviewed (five water and three general) that contained no documentation of DMRM's conclusion from its investigation or final response to the complainant.

During our earlier review in 1993, we also found that Ohio was not consistently informing citizens of their right to participate in an inspection or of their right to confidentiality. During this review we saw two different forms that Ohio staff use to document telephone complaints. Those forms did contain spaces to check to indicate that the complainant was informed of their right to confidentiality and to accompany an inspector on an inspection. However, those areas were not consistently completed on the forms. So, Ohio may be following the correct procedure, but just not documenting it on the forms. In addition, we found some final responses that did not include the citizens' right to informal review. OSM also had a similar finding in our 1993 study.

OSM completed this review at the end of the review year. Therefore, Ohio and OSM will be discussing the findings, recommendations, and resolution during Evaluation Year 2002.

#####

OHIO MINELAND PARTNERSHIP HOSTS ANNUAL CONFERENCE

The Ohio Mineland Partnership (OMP) held their annual fall conference on October 15th and 16th in Gallipolis, Ohio. Attendees took a field trip to the Gavin power plant and the Kyger Creek watershed on the first day of the conference.

American Electric Power Company (AEP) hosted the Gavin tour, which was very interesting and informative. As a result, everyone in attendance now has a better understanding of how electric power is generated in a coal-fired power plant. The group also gained a better understanding of the environmental control processes used. Thanks to AEP for a very good tour.

In the afternoon, the Division of Mineral Resources Management (DMRM) Project Officers, Barb Flowers and Mitch Farley, showed some of the fine reclamation done in the Kyger Creek watershed by DMRM. DMRM and the Natural Resource Conservation Service (NRCS) have spent over nine million dollars reclaiming abandoned mine land within this watershed. A mitigation wetland built by AEP was the next site visited. This was followed by an electro fishing demonstration by Jim Grow of the Ohio EPA, and a look at the stream morphology of Kyger Creek.



It is interesting to note that even though only a partial segment of the electro fishing sample site was done,

there were more fish and species of fish today than there were in 1982 or 1990. It would appear that the reclamation done has had a positive influence on the health of the stream. Now the job at hand is to clear the stream channel of the excessive sandy sediments that reduce biological productivity and aggravate flooding problems.

That evening there was a banquet at the Gallipolis Holiday Inn with The Honorable Ted Strickland giving the keynote address. Congressman Strickland lauded the efforts of groups like the OMP, but cautioned that budgets may be uncertain in the future given the current situation concerning terrorism and national security.

The following day, a variety of interesting speakers gave a series of agency updates and technical presentations. Hats off to the OMP for another excellent conference, and the best of luck to outgoing president Dave Wright who has taken a job at an AEP lignite mine in Louisiana.

#####

**OSM BEGINS TRAINING "COUNTY"
GOVERNMENT (KABUPATEN) MINING
INSPECTORS IN INDONESIA**

On July 22, 2001, OSM Reclamation Specialist Allen S. Krap from our Pittsburgh Office, Kentucky Department of Surface Mining Reclamation Enforcement Supervisor Chester Edwards, and Colorado Division of Minerals and Geology Senior Environmental Protection Specialist Tom Gillis arrived in Jakarta, Republic of Indonesia (RI), to instruct a two-week Principles of Inspection training course for the Kabupaten Kutai, or the County of Kutai, Province of East Kalimantan on the Island of Borneo.

OSM began training central government mining inspectors from the RI in 1995. However, in January 2000, now past president Abdurrahman "Gus Dur" Wahid issued an executive decree that decentralized all government and resource management responsibilities to the Kabupaten (County) level. To bring the county governments, 366 of them in RI, up to speed quickly, the Ministry of Energy and Mineral Resources called upon OSM to customize their existing Principles of Inspection training course that had been developed for the central government mining inspectors, to meet the training needs of the counties.

Krap, Edwards, and Gillis, along with their six co-instructors from RI, began teaching the training

course on July 30 in the Kabupaten capital town of Tenggarong on the Mahakam River. Because environmental regulation and enforcement are somewhat limited in RI, and now in the counties, the instructor team developed the training course to identify and analyze the key environmental problems associated with surface coal mining, and provided a number of alternative "fixes" for each problem. The team taught in the classroom the first week, and then took the 22 participants to the Bukit Tanito Harem Coal Company operations for two days of field exercises the second week. The participants worked in three teams. Each team applied their classroom learning to conducting an inspection on the mine site. On the third day of the second week, each team prepared a formal presentation. On the fourth and final day, each team made their formal presentations to the rest of the class, the instructors, and representatives from the coal company.



OSM plans to conduct several more sessions in the RI using OSM-State-RI instructor teams. The ultimate intent of this project is for the Ministry of Energy and Mineral Resources Management, Manpower Development Training Center in Bandung, West Java, to assume responsibility for the management and instruction of this course.

#####

**OSM AND DMRM SIGN EY 2002
PERFORMANCE AGREEMENT**

OSM and DMRM have finalized our performance agreement for this evaluation year (October 1, 2001, through September 30, 2002). The agreement identifies those specific areas of Ohio's program on which OSM will conduct special studies, inspections, and provide assistance over the next year or two.

As a part of that agreement, OSM and DMRM have agreed to OSM's conducting the following new studies:

Large impoundment engineering – This evaluation is a regional objective to determine the risk of large impoundments located over underground mines. Ohio will conduct this evaluation with OSM's assistance. This on-the-ground engineering review will follow OSM guidelines for evaluating MSHA -sized impoundments within 500 feet of either active or abandoned underground mines to assess risk of discharge or breach into an underground mine.

AML landowner participation and coordination – This study will evaluate the effectiveness of Ohio's citizen participation and coordination efforts. It will focus on the coordination that occurs after the project is selected for funding through completion.

Forfeiture reclamation – This study will determine how effective Ohio's bond forfeiture program is in restoring mined land and how timely that reclamation is. The study will also include a review of Ohio's bond forfeiture data to determine the currently liability and assets of Ohio's alternative bonding system.

Drainage control and impoundments – This evaluation will determine how effectively Ohio is carrying out regulatory provisions regarding drainage and sediment control. We will compare specific aspects of drainage control system designs approved in permits and as-built designs to Ohio's design and construction standards.

Haul roads/access roads – This study will determine how effectively Ohio is carrying out regulatory provisions regarding roads used to facilitate mining. We will specifically evaluate road design, classification, construction, certification, drainage control, surfacing, dust control, and maintenance.

Land use classification pre-mining and changes – The purpose of this study is to report on the results of Ohio's land use policies and how they meet the intent of SMCRA's land use provisions. The study will also evaluate Ohio's support for approving land use changes on a number of permits.

Success of completed AML AMD projects – Through this study, we will determine how effective the projects have been in reducing or eliminating AMD effects. This study will evaluate AMD technologies, not DMRM's performance.

Grant-related issues (personnel cost distribution)

– OSM and DMRM will conduct this study to ensure that DMRM is accurately charging their personnel costs to the correct program(s).

Underground mine impacts to streams– This study will evaluate the impacts from longwall mining beneath perennial and intermittent streams.

If you would like a copy of the performance agreement, please call our Columbus office at 614-866-0578.

#####