

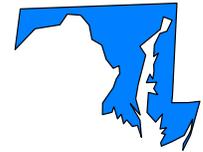


**OFFICE OF SURFACE MINING
OVERSIGHT & INSPECTION BRANCH
NEWSLETTER
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**4605 MORSE RD., Rm. 102
COLUMBUS, OH 43230
614-416-2238
Fax 614-416-2248**

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



**FEDERAL MINING AGENCIES REPORT TO CONGRESS ON
SAFETY OF COAL WASTE IMPOUNDMENTS**

The Office of Surface Mining (OSM) and the Mining Safety and Health Administration (MSHA) have reported to Congress on what they're doing to improve the safety of coal waste impoundments.

Following the October 11, 2000, coal slurry impoundment accident in Martin County, Kentucky, Congress asked the National Research Council to examine ways to reduce the potential for such accidents. One year later, in its report to Congress, the Council made twenty-eight specific recommendations. In their report "Responses to Recommendations in the National Research Council's Report Coal Waste Impoundments: Risks, Responses, and Alternatives," OSM and MSHA address each of the Council's recommendations and summarize the actions the agencies have taken so far to help prevent coal slurry impoundment accidents.

Issues addressed by the report include: review and approval of impoundment plans or permits; requirements for mine surveying and mine mapping in the vicinity of impoundments; and the use of geophysical methods to locate mine workings.

Congress requested the report by the agencies in the FY 2003 Omnibus Appropriations Act. It is available on the Internet at OSM's website, www.osmre.gov, or you can call either of our offices to request a copy.

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**CONSOLIDATION COAL COMPANY HOSTS A
VIEWING OF THE SILVER SPADE**

On August 13, 2003, Consolidation Coal Company hosted a tour of the Silver Spade pit for a group of approximately twelve people affiliated with the Ohio

Mineland Partnership (OMP). The tour was originally scheduled for OMP's spring meeting in May, but was cancelled due to wet pit conditions and safety concerns. Consolidation Coal Company graciously offered those attending the spring meeting a second chance to see this machine up close.



**The Silver Spade Stripping Overburden
Above the Pittsburgh #8 Coal**

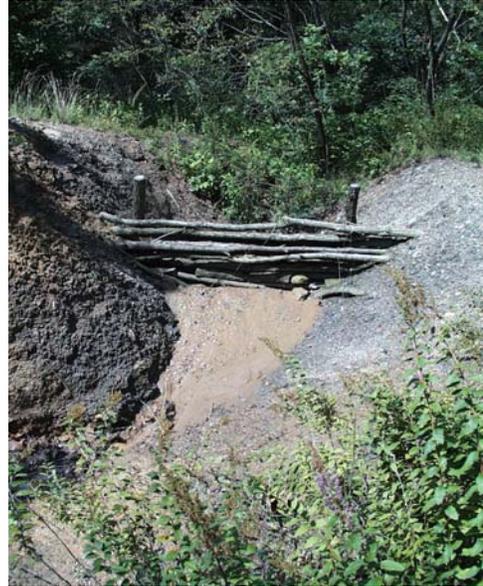
The Silver Spade, with its 105-cubic yard dipper capacity, to our knowledge, is the last large stripping shovel operating in the country. Although there are still many large draglines in operation, the Silver Spade is the last large shovel. The shovel differs from a dragline in that a shovel sits on the pit floor and uses an articulated boom and dipper, versus the dragline, which sits on top of the overburden using a boom and drag bucket. The Silver Spade is also the last of three large shovels operated by Consol's Ohio Operations. The "Mountaineer," which had a 65-cubic yard dipper capacity, was dismantled in 1988. The "Gem of Egypt," which had a 135-cubic yard dipper capacity, was dismantled in 1991.

The Silver Spade, erected on site in 1965 by the Bucyrus-Erie Company, is powered by electric motors with a total of 9000 horsepower. There are 12 motors alone used to hoist the dipper and swing the boom. At 191 feet high and weighing 7000 tons, the Silver Spade is a site to behold. It is one of the last remnants of a by-gone era in surface mining. Thanks much to Consolidation Coal Company for providing this viewing opportunity.

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UPDATE ON LOG AND POLE STRUCTURES

In our May 2003 newsletter, we reported on our Earth Day activity with the Duck Creek Watershed Group building three log and pole sediment control structures on an abandoned strip mine in the Duck Creek drainage in Noble County. We built the structures by hand using on-site locust posts and rocks. Since this was our only experience with these structures, we weren't sure how well they would hold up under heavy rains. Now, after 120 days of unusually wet weather and some intense storms, we know the answer. They held up well! We visited the structures on August 19, 2003, and found them intact and holding back considerable amounts of sediments. This technique shows promise for use by watershed groups or anyone else concerned with controlling non-point source runoff.



Site #1 on August 19, 2003

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DRAINAGE CONTROLS

OSM recently completed a review of drainage control structures on mines sites in Ohio. The purpose of this review was to determine how effectively Ohio is carrying out regulatory provisions regarding design, construction, operation, and maintenance of drainage and sediment control structures. This study evaluated how well the drainage-control structures comply with design requirements and how effectively those structures are controlling drainage from the permitted area to minimize impacts.

Of the thousands of drainage control features on mines sites in Ohio, OSM evaluated 21 sediment ponds; nine reconstructed stream channels, seven small area drainage exemptions, three sumps, and eight diversion structures. This article provides a summary of our findings.

Ohio's design standards are established and enforced to ensure that structures are constructed to protect the public and the environment. The Ohio program requires all drainage control structures to be designed under the direction of and certified by a registered professional engineer. Construction of drainage control systems must be certified by a registered professional engineer as meeting the approved design and as being in compliance with regulatory standards.

We evaluated 48 separate structures and determined that construction of many of these drainage control features deviated significantly from approved



Site #1 on April 22, 2003

designs. Some of the deviations from the approved design may have no significant impact on the functioning of the structure. A few may actually function better than designed. However, some significant deviations from the design could potentially cause environmental problems and off-site impacts.

Although the review included only a small sample of the drainage control structures that exist, it does demonstrate that significant variations from approved designs do occur (greater than 20 percent of the standard). Ohio has reported that they also have identified occasional variances between the size of ponds being constructed and the size of ponds approved for construction. Ohio has trained inspectors in ways of evaluating constructed drainage controls in comparison to approved designs, but documentation of these evaluations is lacking. Since the leading cause of violations and off-site impacts are related to drainage control, Ohio should improve their verification, documentation, and enforcement processes to ensure that drainage control structures meet all critical design standards. Properly designed and maintained structures should decrease the number of water-related violations and off-site impacts.

You can obtain copies of the entire report by contacting the Columbus office.

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ADMINISTRATIVE REVIEW PROCESS

OSM recently completed an oversight review of Ohio's administrative review process administered by the Ohio Reclamation Commission. The overall purpose of this review was to determine how well the Commission is implementing its administrative review responsibilities under the Ohio program.

OSM made the following findings:

The Commission's caseload has significantly decreased over the last 14 years.

The Commission schedules and generally conducts hearings in a timely manner.

The Commission's decisions, except for decisions on temporary relief, include well-written and supported findings of fact, conclusions of law, and orders. Decisions are reasonably timely with some exceptions.

The Commission did not deny temporary relief on any of the appeals on which temporary relief was requested during the review period.

Although written decisions restate the regulatory standards for granting temporary relief, the Commission's written decisions granting temporary relief provide no discussion to support the Commission's ruling that the regulatory standards for granting relief were met.

The Commission has extended its authority by not issuing final decisions on three cases after hearings were concluded. There is a final decision awaiting action by the chief on a permit application. Two decisions are held in abeyance awaiting action by a permittee that might correct a condition on a mine site.

The Commission members are filing annual statements of employment and financial interests with the Chief as required by OAC 1501:13-1-03. Commission members recuse themselves from proceedings that may affect their financial interests by reporting the conflict in Commission meeting minutes, in official hearing records, or by issuing an order of recusancy.

OSM made the following recommendations:

The Commission should contact administrative appeal bodies in other states to discuss and consider how they address temporary relief.

The Commission must include a written basis that demonstrates how they determined that the appellant meets or does not meet the two criteria for granting temporary relief in all temporary relief decisions. OSM will again review the Commission's decisions on temporary relief in approximately six months to determine if the Commission's decisions clearly demonstrate how both criteria for temporary relief are or are not met.

The Commission should not extend their authority when making decisions on appeals, but should limit their decision to the facts presented at hearing and either affirm the Chief's action or find it arbitrary, capricious, or inconsistent with law as required by ORC 1513.13(B).

Contact the Columbus OSM office for a complete copy of the report.

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ANNUAL REPORT

OSM has released its annual reports on Maryland's and Ohio's implementation of their regulatory and AML programs for evaluation year 2003. The reporting period for this year was changed in response to Congress's need to receive state program data earlier in the year. Therefore, the 2003 evaluation period was for nine months (October 1, 2002, to June 30, 2003). The report summarizes OSM oversight activities and documents Maryland's and Ohio's accomplishments, issues, and program activities during the period. Copies of the report are available by contacting the Pittsburgh Office for the Maryland report and the Columbus OSM office for the Ohio report.

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KEMPTON MINE SHAFT SEALING PROJECT UNDERWAY

A project to seal a 420-foot deep mine shaft to prevent the entry of water into the mine has started in the Town of Kempton, located in Garrett County, Maryland.

The project involves sealing the overburden around the circumference of the 10- by 20-foot elevator shaft with an injection of fly ash and water to provide a barrier to groundwater entering the shaft through the sidewalls.

The groundwater that currently enters the shaft continues into the mine workings some 420 feet below and becomes acid mine drainage (AMD). Some 2.5 million gallons a day of AMD is discharged from the abandoned Kempton Mine complex, which closed in 1950. The water is discharged into Laurel Run, a tributary of the North Branch of the Potomac River.

By installing a vertical barrier of fly ash, less groundwater will enter the shaft and abandoned mine workings and less AMD will be produced. The fly ash, once injected into the ground, hardens into a cement-like rock and prevents infiltration. Approximately 28 fly ash injection holes will be drilled as part of the project.

In addition to helping control the production of AMD, the Kempton project also serves to demonstrate one of the beneficial uses of coal combustion by-products. Only about one-third of Maryland's coal combustion by-products are used out of the 1.3 million tons produced each year. The remaining tonnage must be either stockpiled or disposed of in landfills.

The Kempton project is being done under the Watershed Cooperative Agreement program, which is part of the Appalachian Clean Streams Initiative. Partners include the Western Maryland Resource Conservation and Development Council, the Maryland Bureau of Mines, the Maryland Department of Natural Resources, the Garrett County Commissioners, OSM, Garrett Community College, and others.

The project also includes educational signage placed strategically at the site to explain the project.

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RECLAMATION SUCCESS

OSM completed its review of reclamation success in Ohio for 2003. This report summarizes OSM's oversight review of mined land that has achieved the reclamation standards of the Ohio Program. We conducted an on-the-ground evaluation of a sample of the reclamation segments approved for bond release by the Ohio Division of Mineral Resources Management (DMRM). Our contemporaneous reclamation evaluation was based on data from bond releases and other documents provided by DMRM. Our purpose is to verify that DMRM is approving bond releases only when the permittee has met all standards required by the Ohio Program and to determine if the objective of contemporaneous reclamation was met. Achieving the reclamation standards necessary for approval of a bond release is a measure of a State's success in carrying out the requirements of the Surface Mining Control and Reclamation Act (SMCRA). We report these results and the results of other measurements to Congress to comply with the Government Performance and Results Act (GPRA). We are also reporting information that shows how timely reclamation is being completed in Ohio.

Contact the Columbus OSM office for a copy of the complete report.

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OSM ANNOUNCES 2003 ABANDONED MINE LAND RECLAMATION AWARD WINNERS

Jeffrey Jarrett, Director of OSM, has announced that abandoned mine land reclamation projects in Indiana, the Navajo Nation, and West Virginia are winners of this year's National Abandoned Mine Land Reclamation Awards.

"Abandoned mine reclamation is extremely important in eliminating the human health and safety hazards from abandoned coal mining operations," Jarrett said. "And these awards highlight the accomplishments and those responsible."

Each year the Office of Surface Mining, sponsor of the competition, honors the best examples of abandoned mine land reclamation performed by states and Indian tribes. The awards were presented during a ceremony at the annual meeting of the National Association of Abandoned Mine Land Programs in Louisville, Kentucky.

Judges from each OSM field office and state and tribal abandoned mine reclamation office selected the winners. Three regional winners were selected. The winner with the highest score became the national award winner.

In addition, citizens select the winner of the People's Choice award by voting on the Office of Surface Mining's web site for the reclamation they think is best.

The 2003 winners are:

West Virginia - National Abandoned Mine Land and Appalachian Regional Awards

The West Virginia Office of Abandoned Mine Lands and Reclamation Taylor Creek Impoundment project in Widen, West Virginia, won the national and regional awards for reclamation of a 90-acre abandoned coal preparation and waste disposal facility that ceased operation in the 1950's. Before reclamation, this abandoned site had an 18-acre impoundment filled with acidic mine water, and a massive amount of steep-banked mine refuse, some of which was burning.

During construction, 1.8 million cubic yards of refuse was excavated and reshaped, the fires extinguished, and the acid water treated. Today, in addition to the fantastic visual improvements realized by the reclamation, all previous health and safety hazards have been eliminated.

Indiana - Mid-Continent Regional Award

The Indiana Division of Reclamation received the Mid-Continent Regional award for reclamation of the Victory Mine Site. Once the site of barren and eroded abandoned mine refuse that created sedimentation and acid mine drainage problems in

adjacent streams, it was transformed into productive land that has become an asset to the community.

Located just outside the city of Terre Haute, this site has been transformed into an outstanding wildlife habitat, much of which has become an area of intense human activity. The landowner donated the reclaimed property to the Wabash Valley Family Sports Center, a nonprofit local organization, which developed a community recreation facility complex on the property. Today, this reclaimed abandoned mine site is home to a championship cross country running course that is used by local high schools and colleges and became the site of the 2002 national championships.

In addition, the site has a sports center with basketball courts, weight room, and other public activity rooms. At this successful reclaimed abandoned mine site, the hazards were eliminated and the site has become an important location for community activities, sports competitions, and a wide variety of recreational uses.

The Navajo Nation - Western Regional and People's Choice Awards

The Navajo Abandoned Mine Land Reclamation Program won both the Western regional and People's Choice Awards for its reclamation of the Cove 3 Project. This reclamation eliminated health and safety hazards associated with 1950s uranium mining. This work was done on 61 different sites and included closing portals, grading and covering radioactive piles and embankments, eliminating highwalls, and planting vegetation.

These difficult abandoned mine problems have been successfully reclaimed and no longer pose a safety hazard to visitors of this scenic Arizona mountain range.

The Abandoned Mine Land Reclamation Awards Program was started in 1992, to publicly recognize outstanding abandoned mine land reclamation and publicize exemplary reclamation techniques. A brochure announcing the 2004 program, with complete details about how to nominate a project, is available from the Office of Surface Mining website at: (www.osmre.gov/awards.htm) or by calling our office.

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COAL OPERATORS RECOGNIZED FOR OUTSTANDING RECLAMATION

Jeff Jarrett, Director of OSM, has also announced this year's national awards for excellence in surface mining and reclamation. They went to coal operators in Alabama, Illinois, Indiana, Pennsylvania, Texas, Utah, Wyoming, and the Navajo and Hopi Indian Reservations.

This year, three types of awards were presented: the Director's Award; National Awards; and, for the first time, Good Neighbor Awards.

Director's Award:

Each year, one coal mining operation in the country is selected to receive the prestigious Director's Award for outstanding achievement in a specific area of reclamation.

This year, the award is presented to both the **United Minerals Company and Black Beauty Coal Company**, for working together to create exemplary wetlands at their Deer Ridge Mine in Selvin, Indiana.

This reclamation resulted in 44 shallow wetlands covering approximately 160 acres. In addition, there are now 72 permanent impoundments covering approximately 246 acres. Many of the impoundments were constructed with remnant standing timber that provides protected bird-nesting sites.

Although many of the reclamation techniques are not unique to the mining industry, the quality and extent of the project leaves a valuable wetland resource.

National Awards:

The Drummond Company, Cedrum No. 4 Mine, located in Townley, Alabama, has many unique aspects that make it one of the best in 2003.

Extensive mitigation of premining natural areas was accomplished by constructing wetlands that now provide a diverse plant and animal community. Today, without any trace of coal mining, this land provides a rich wetland and a pastoral Alabama landscape that is even more diverse than the surrounding unmined areas.

Peabody Energy, Caballo Mine, located just south of Gillette, Wyoming, has returned the land to a livestock grazing and wildlife habitat. Small ponds were constructed replacing wetlands that were eliminated during mining. These areas are an oasis

for waterfowl and shore birds and provide a dependable source of water for the native wildlife.

TXU Mining Company's Monticello Mine reclamation in East Texas has shifted from predominantly agriculture to trees and native vegetation, resulting in the wildlife habitat becoming a significant percentage of the land use.

Reclamation at this 412-acre site near Mount Pleasant included native grasses, pasture, hardwood trees, and ponds. Twenty-two different species of trees were planted with upland and bottomland oaks emphasized around the wetland areas. In the years to come, this vegetation will continue to grow and enhance this reclaimed Texas landscape.

Kennecott Energy's Antelope Mine, located at the southern end of Wyoming's Powder River Basin, has achieved innovative relocation work that shows reclaimed mine lands can be used to enhance wildlife habitats and increase long-term survival of the native species.

Field studies indicated that the Mountain Plover, a migratory bird under status review, has a strong affinity for black-tailed prairie dog colonies at the mine. As a result, part of the reclamation plan included establishment of artificially constructed colonies of prairie dogs. Today, following reclamation, both prairie dogs and Mountain Plovers have been successfully reestablished on the reclaimed land.

Castle Gate Holding Company, Castle Gate Mine is located in a steep, mountainous canyon near Price, Utah, where underground coal mining started in the 1880's. Before reclamation, the site contained buildings such as a coal cleaning plant, bath houses, and truck loading facilities, along with large quantities of coal refuse.

The entire area was covered with soil and native grasses, forbs, and shrubs were planted. Today, after reclamation, all that is left of this underground coal mine is a magnificent, picturesque mountain canyon.

The Consolidation Coal Company, Burning Star No. 5 Mine at DeSoto, Illinois, reclaimed 3,200 acres of land that previously contained wetlands and prime farmland. More than 148 acres were restored into wetlands and approximately 1,400 acres of cropland was reestablished, providing feeding areas for resident and migratory wildlife.

The Squaw Creek Coal Company, Squaw Creek Mine, located near Chandler, Indiana, was reclaimed with a mixture of cropland, pasture, forest, water

impoundments, wildlife habitat, and a residential area.

Native species of grasses were used for the wildlife areas to add diversity and provide cover and food for grassland birds. These grasses produce hay crops, yield additional seed for planting natural grass areas, and provide wildlife with a unique habitat.

Good Neighbor Awards:

This year, for the first time, OSM presented three Good Neighbor Awards. The awards were created by OSM Director Jeff Jarrett to recognize coal operators for working cooperatively with their communities.

The awards are presented for achievement of exemplary interaction, communication, and involvement with the surrounding landowners and local community. Establishment of good working relations and interaction with mine neighbors is an important element of the Surface Mining Law that mine operators are achieving in many different ways. These awards recognize this achievement and promote the Good Neighbor concepts so others can use them.

"When I instituted the Good Neighbor Awards this year, I wanted to recognize not only excellence in implementing the Surface Mining Law; but, excellence in being part of a community...being a good neighbor" Jarrett said.

"I wanted to identify and honor companies that set the example, that have not only excelled in reclamation, but have done it in a way that strengthens their local communities. That takes working out issues like neighbors -- person to person, with common courtesy, listening, and finding common ground. These three award winners have done just that and we're proud to recognize them. "

Bronze Award: Between 1988 and 2000 the Bridgeview Coal Company in Farmington, Pennsylvania, mined and reclaimed just over 800 acres that is now actively farmed just as it was before mining.

The company and community continually worked together to achieve the following:

- o A dangerously twisting township road was changed to a safe, reasonably straight road.

- o The company donated a water truck to the local fire department and built a stock car racetrack that is the

principle source of fund raising for the fire department.

- o A ball field was constructed at the local park, and the company made their excavators and loader available for township use.

- o A safe shooting range was built for a nearby hunting and shooting club.

- o Culverts and drainpipes were installed, and township roads resurfaced.

The Bridgeview Coal Company, with community cooperation, mined the coal and reclaimed the land to the highest standards. And, throughout the operation the coal company was an integral part of the community.

Silver Award: The Vigo Coal Company constructed a 45-acre wetlands/flood control area at its Cypress Creek Mine in Boonville, Indiana.

Newspaper headlines tell the story... Historic coal mining had created continuous downstream flooding in Boonville, Indiana. Farmers had crop losses. The city's waste water treatment plant was frequently flooded, and roads were often not passable.

As part of its mine plan, Vigo hauled approximately 2 million yards of excess spoil to create the 250 acre-foot of storm water storage for the drainage system. The benefits to the community are obvious. Downstream flooding has been eliminated. And, the integral wetland area is enjoyed by the community.

Vigo's good neighbor policy has been a boon to Boonville.

Gold Award: Located just South of Monument Valley on the Navajo and Hopi Indian reservations, Peabody Western Coal Company's Kayenta and Black Mesa Mines have reclaimed more than 12,000 acres, and made being a good neighbor part of everyday life for residents of the area.

- o A supply of potable drinking water is available at two stands.

- o 150 miles of local roads are maintained and graded by the company on a regular basis.

- o A cultural plant program restores plants for medicinal, ceremonial, and cultural purposes.

- o More than 90 percent of the work force is Native American and the operations inject \$2 million weekly into tribal communities.

For more than 30 years, this good neighbor policy has helped many residents and established a unique company/community relationship.

These awards are sponsored by the Office of Surface Mining, the Interior Department bureau responsible for regulating the environmental impacts of coal mining. Nominations from coal mine operators were first judged by state mining and reclamation agencies. State-level winners were then judged at the national level by a panel of Office of Surface Mining experts.

The Excellence in Surface Coal Mining and Reclamation awards program began in 1986 to publicly recognize outstanding active coal mine reclamation and to highlight exemplary reclamation techniques.

A brochure announcing the 2004 program, with complete details about how to nominate a project and other awards program information is available from the Office of Surface Mining website (www.osmre.gov/awards.htm) or by calling our office.

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