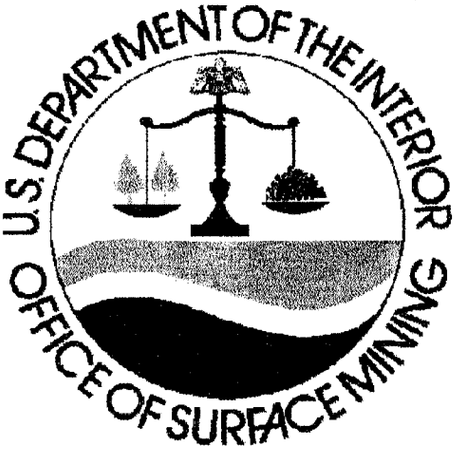
Office of Surface Mining

Birmingham Field Office



Annual Evaluation Report
for the
Regulatory and Abandoned Mine Land
Reclamation Programs
Administered by the State of Alabama
for Evaluation Year 1997

EXECUTIVE SUMMARY

During the 1997 Evaluation Year, the Office of Surface Mining (OSM), Birmingham Field Office (BFO), conducted oversight evaluation activities which focused on the success of Alabama's regulatory and abandoned mine lands agencies in meeting the Surface Mining Control and Reclamation Act's goals for environmental protection and prompt, effective reclamation of land mined for coal. Agency-specific evaluation plans were developed with the Alabama Surface Mining Commission (ASMC) and the Alabama Department of Industrial Relations (ADIR) to tailor oversight activities to the unique conditions of each State program. Oversight focused on on-the-ground/end-result success of the State programs in achieving the purposes of the Act. It was implemented to identify the need for and then provide financial, technical, and other program assistance to the State to strengthen its programs.

To further the concept of reporting end results and on-the-ground success, the BFO evaluated the effectiveness of the State regulatory program in protecting the environment and public from the off-site impacts resulting from surface coal mining and reclamation operations and in ensuring successful reclamation on lands affected by surface coal mining operations. The BFO's study (involving 125 coal mine permits and 630 associated State inspection reports) concluded that the State is operating its inspection and enforcement program in a manner that discourages the occurrence of off-site impacts and is employing diligence in discovering and citing violations involving off-site impacts as they occur. The BFO's review of 46 bond release actions demonstrated that the State is ensuring successful reclamation through compliance with bond release performance standards. In addition to the national initiatives detailed above, Title V program evaluations were conducted on adherence to permit conditions, contemporaneous reclamation, and permitting requirements for the identification and handling of toxic materials. All studies showed that the State successfully administered its regulatory program during the 1997 evaluation year.

Oversight evaluations of Alabama's Abandoned Mine Lands (AML) Program were conducted to determine ADIR's success in achieving the reclamation goals established by the agency. Studies were conducted in the areas of procedures for monitoring abandoned mine land projects during construction, the Walker County Soil and Water Conservation District Board reclamation expenditures, and Appalachian Clean Streams Initiative activities. In all instances, the studies demonstrated that ADIR successfully administered the AML program in accordance with the AML Reclamation Plan and policies and procedures established in the annual AML Reclamation grant. Reclamation was completed on 27 emergency and non-emergency projects. The 1997 evaluation year was a year of innovation and initiative for the AML Program. Phase I of the Cane Creek AMD project, the first Clean Streams Initiative project approved in Alabama, was funded with construction activities initiated during the year. Approval for the first government-financed AML project involving the incidental removal of coal was secured. The BFO and ADIR cooperated to streamline procedures related to the AML emergency program and the approval process for noncoal projects.

TABLE OF CONTENTS

LIST OF ACRONYMS USED IN THE REPORT

ABA - Acid-Base Accounting
ACSI - Appalachian Clean Streams Initiative
ADIR - Alabama Department of Industrial Relations
AMD - Acid Mine Drainage
AML - Abandoned Mine Lands
AMLIS - Abandoned Mine Lands Inventory System
AOC - Approximate Original Contour
ASMC - Alabama Surface Mining Commission
BFO - Birmingham Field Office
Board - Walker County Soil and Water Conservation District Board
CE - Categorical Exclusion
EPA - Environmental Protection Agency
EY - Evaluation Year
MCRCC - Mid-Continent Regional Coordinating Center
NOV - Notice of Violation
OSM - Office of Surface Mining
SHPO - State Historic Preservation Office
SMCRA - Surface Mining Control and Reclamation Act
TDN - Ten-Day Notice
USDI - U.S. Department of the Interior

I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining (OSM) in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory and abandoned mine lands programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Alabama Regulatory and Abandoned Mine Lands (AML) Programs and the effectiveness of the Alabama Programs in meeting the applicable purposes of SMCRA as specified in section 102. These programs are administered by the Alabama Surface Mining Commission (ASMC) and the Alabama Department of Industrial Relations (ADIR), respectively. This report covers the period of October 1, 1996, to September 30, 1997. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Birmingham OSM Office (BFO), 135 Gemini Circle, Suite 215, Homewood, AL 35209.

II. OVERVIEW OF THE ALABAMA COAL MINING INDUSTRY

Alabama ranks thirteenth in coal production among coal-producing States. The majority of Alabama's coal is ranked high-volatile A bituminous. In addition, there are moderate amounts of low and medium-volatile A bituminous. The coal is generally of good quality, and most beds have low percentages of sulfur and ash.

Alabama has three coalfields that are part of the great Appalachian coal basin - the Warrior field, the Cahaba field, and the Coosa field. Alabama's total demonstrated coal reserves have been estimated at 4.8 billion tons. A total of 3.1 billion tons is estimated as recoverable reserves (.73 billion ton is recoverable by underground mining; i.e., overburden of greater than 120 feet and 2.4 billion tons are recoverable by present strip mining techniques; i.e., overburden less than 120 feet). A total of 9,700 square miles of the State is underlain by coal. Coal is the most abundant and important mineral resource in the Warrior, Cahaba, and Coosa fields. The great majority of coal mined today is in the Warrior field. The Plateau field, with a greater area than all the other coalfields combined, has attracted very little commercial mining. The coal mined in Alabama is used principally for electric power generation. Other uses include methane gas recovery and production of coke.

Coal in Alabama is recovered by both surface and underground mining techniques. Surface mining in Alabama includes auger, contour, and area methods. Room and pillar and longwall methods are used for underground mining. Prior to 1986, surface mining predominated; since that time, underground mines have accounted for the majority of the coal recovered. For calendar year 1996, approximately two-thirds of the coal mined was by underground mining (tonnage recovered by underground mining - 18,397,085;

tonnage recovered by surface mining - 6,764,605). Underground mining operations employed 3,861 people while surface mining operations employed 903 people.

As of September 30, 1997, 39 permitted surface mines, eight permitted underground mines, and five preparation and loading facilities were actively producing coal in Alabama. Production reports show that bituminous coal was produced in ten Alabama counties: Bibb, Cullman, Fayette, Jackson, Jefferson, Marion, Shelby, Tuscaloosa, Walker, and Winston. Approximately 86 percent of the production came from Jefferson, Tuscaloosa, and Walker counties. For the first two quarters of 1997, coal production in Alabama was 13,384,710 gross tons (9,929,939 tons recovered by underground mining and 3,454,771 tons recovered by surface mining).

III. OVERVIEW OF THE PUBLIC PARTICIPATION OPPORTUNITIES IN THE OVERSIGHT PROCESS AND THE STATE PROGRAMS

Opportunities for public participation occur at significant points in the Alabama regulatory program and involve the ability of the public to initiate rulemaking (880-X-2A-.08), to initiate civil suits (880-X-2A-.09), to request that areas be designated as unsuitable for mining (880-X-7D-.05), to review permit and revision applications (880-X-8K), to object to proposed bond releases (880-X-9D-.02), and to request an inspection of a minesite (880-X-11B-.03). Monthly meetings of the Commissioners are also open to the public. Opportunities for public participation in the Alabama Abandoned Mine Lands Program occur at the time of (1) project selection, (2) consultation under the National Environmental Policy Act, (3) grant application review, (4) obtaining right of entry documents, (5) management and disposal of land acquired by the AML Program, (6) stormwater runoff permit application process, and (7) amendment of the State Plan. Although no specific OSM evaluations were conducted on the State processes listed above, the oversight evaluations conducted and the regular interactions with the State regulatory and abandoned mine lands program staff and the public did not determine any deficiencies in these processes.

Due to the lack of response by the public to previous public meetings, none were held during the evaluation year. Nevertheless, the Birmingham Field Office provided the public a significant opportunity to interact with the Federal and State programs by hosting an open house on August 20, 1997. The specific occasion of the open house was the commemoration of the 20th Anniversary of the Surface Mining Control and Reclamation Act. Written invitations were mailed to State and Federal agencies, the coal industry, and environmental groups. Approximately thirty visitors, representing all categories of agencies and groups, attended. Seven exhibits or videos were set up in various staff offices, and visitors were encouraged to view each presentation or exhibit. The exhibits/videos depicted: the Excellence in Surface Coal Mining Reclamation awards, including Alabama's Drummond Coal Company award for the Kellerman mine; the Alabama Abandoned Mine Lands Program; the Appalachian Clean Streams Initiative; the

video, "A Page in Time"; a demonstration of the Abandoned Mine Lands Inventory System (AMLIS); a seismograph demonstration; and, OSM's public service announcements concerning AML safety tips. Visitors to the open house were offered an Outreach Questionnaire on which they could provide the office with concerns or issues relative to OSM's oversight program.

The BFO interacted with the public on a routine and periodic basis throughout the year. A BFO representative presented information on the Appalachian Clean Streams Initiative at the Legacy - Partners in Environmental Education Conference (April 10-12, 1997), the Interagency Forum on Acid Mine Drainage Clean-up (April 22, 1997), and the Warrior Basin Environmental partnership organizational meeting (July 19, 1997). Citizens, including a University of Alabama student, the Five Mile Creek Action Committee, a concerned citizen on the Locust Fork of the Black Warrior River, and legal assistants from the firm of Hogan, Smith & Alspaugh, P.C., were provided assistance concerning OSM's program. In addition, numerous requests for information on the State or OSM's programs were handled by the BFO staff. Contacts with the coal industry, outside of the inspection process, were maintained by meeting with the Alabama Coal Association on a periodic basis.

The BFO and the Alabama Rivers Alliance cooperated in a project to map all known AML sites with associated AMD impacts during the months of June - July 1997. A volunteer from the Alliance, utilizing the BFO's AML inventory records, physically transferred locational data on 81 AML sites onto topographic maps covering the northern half of Alabama. This data will be utilized by various groups to target possible acid mine drainage (AMD) producing sites for reclamation or remediation.

IV. MAJOR ACCOMPLISHMENTS/ISSUES/INNOVATIONS IN THE ALABAMA PROGRAM

ASMC successfully administered its regulatory program during the 1997 Evaluation Year (EY) to achieve the goals identified in Section 102 of SMCRA. In all instances identified during the review year, ASMC conducted its regulatory program in a manner that assured protection of the environment and people from the excesses of coal mining.

ASMC has a total of thirty-three authorized positions. Thirty-one of these positions were filled for the majority of the review year (15.5 in inspection, 10.5 in permit review, five in administrative functions, and two vacancies). By the end of the review year two additional positions had been lost from the technical and inspection staff, leaving four vacancies. Table 8 reflects the staffing levels as of September 30, 1997. Because of budget constraints ASMC was unable to immediately replace these positions. The workload was adjusted to assure that program functions were achieved. Budget will continue to be a significant concern to ASMC during the next fiscal year.

During the evaluation year, ASMC issued 11 new permits and five permit renewals. Eighty-seven permit revisions and 15 permit transfers were approved. In addition, ASMC received 36 Notices of Intent to Explore (Table 3). A total of 4,242 inspections were conducted, including 3,494 complete inspections, and 748 partial inspections involving bond releases, pre-mining surveys, citizen complaints, etc. One hundred and sixty-one Notices of Violation, representing 217 violations, and 17 Cessation Orders, with a total of 22 violations, were issued.

Twelve minesites for a total of 1,517 acres and $707,096 were forfeited during the same time period. All bond funds for these sites were collected during the period. Nine bond forfeiture sites, representing 555 acres, were reclaimed. A total of 16 bond forfeiture sites (705 acres) remain to be reclaimed (Table 6). ASMC also approved bond releases totaling 2,494 acres for Phase I, 1,775 acres for Phase II, and 4,140 acres for Phase III (Table 5).

OSM's approach to oversight, emphasizing on-the-ground results and shared responsibilities, has fostered a commitment to work cooperatively. ASMC willingly participated in the negotiation of the 1997 Performance Agreement and initiated the first joint review. This review, involving a study of contemporaneous reclamation, was a successful effort in that it provided for open discussion of issues which led to voluntary contributions of information to achieve the intended results of the Performance Agreement. Additionally, it led to a mutual interpretation of contemporaneous reclamation.

The utilization of electronic mail and electronic data transfer continues to have significant value in improved communication between the BFO and ASMC. Information can be immediately conveyed between the agencies. Additionally, the BFO has ready access to State data with minimum impact on the ASMC staff and workload.

ADIR successfully administered the AML program during EY 1997 in accordance with the AML Reclamation Plan and policies and procedures established in the annual AML Reclamation grant. During the year, ADIR achieved major accomplishments and several innovative measures were used to achieve project goals and objectives.

The first Appalachian Clean Stream Initiative project funded in the State of Alabama, the Cane Creek AMD project, was approved and construction began during the review year. An award ceremony hosted by OSM and Bob Armstrong, Assistant Secretary of the Interior, was held onsite on October 28, 1996. Construction began on the site on July 24, 1997. The project's goal is to improve 20 miles of stream through the remediation of acid mine drainage problems. Auburn University's Cooperative Fish and Wildlife Research Unit performed ongoing aquatic assessments of Cane Creek under a cooperative agreement with ADIR. The Cooperative will assess the effects before, during, and after construction to evaluate the results of the reclamation on the aquatic communities in

Black Branch and Cane Creek. This project was the first in the nation to begin construction through funding by the Appalachian Clean Stream Initiative.

The first government-financed, no-cost AML contract, involving the incidental extraction of coal on an AML site, was awarded by ADIR in September 1997 to reclaim the Blue Creek Gob project. The primary safety hazards to be eliminated by the project are steep, unstable embankments located in 26.5 acres of abandoned coal mine refuse. The project also proposes to correct offsite sedimentation and acid mine drainage problems. The contracted services will save the AML fund approximately one million dollars.

Two streamlining measures were initiated during the review year. One of the measures addressed the reclamation of non-coal sites. Under the new measure, the Governor would provide a generic letter authorizing ADIR to fund non-coal projects that meet the criteria of Section 409 during his/her tenure as Governor. Site-specific project approval by the Governor would not be necessary, and a new letter would only be necessary when a new Governor was elected. This approach will permit ADIR the flexibility to include selected non-coal projects in its project planning or to adjust project funding to meet unanticipated high priority non-coal needs without obtaining approval from the Governor on each project. Secondly, in order to streamline the emergency program, a "blanket approval" emergency declaration for impending pot-hole subsidence emergencies was developed by ADIR and approved by the BFO. As the result of State interactions related to the development of the "blanket approval", a Categorical Exclusion (CE) Determination by the Alabama State Historic Preservation Office (SHPO) for the Reclamation of Abandoned Mine Lands was obtained. This CE allows reclamation activities by ADIR to take place without further SHPO consultation for projects involving emergencies on lands that had been previously disturbed by mining and for non-emergency AML reclamation projects that are conducted on previously disturbed mined lands. The CE required consultation for any reclamation activities that could affect structures over 50 years old and historically significant portals and associated mining structures.

ADIR participated heavily in educational outreach programs through Legacy, an environmental organization whose goal is to improve Alabama's education in environmental issues. ADIR provides a representative to the Legacy Board of Directors, awards and reviews grants for the organization, provides speakers for certain school functions, and participates in the Environmental Bowl. As part of its educational outreach, ADIR has also developed an AMD slide show, and several presentations have been made. Furthermore, ADIR has initiated a cooperative agreement with Oakman High School in conjunction with the Cane Creek AMD project to enlist the help of the students in water monitoring and transplanting of wetland plants to the constructed wetland being installed at the site.

ADIR has shown a diligent effort to comply with the National Historic Preservation Act. During this review year, a "Cultural Assessment of the Hamilton Mine Site" was

published prior to reclamation of the Smithfield Estates Park Project. ADIR has contracted with Alabama's top industrial archeologist to perform cultural assessments of any site that may be eligible for inclusion in the National Historic Register. All reclamation on the project was performed according to recommendations by the archeologist and Alabama's SHPO.

As part of ADIR's goal to make technological improvements, most of the agencies' computers have been upgraded. Windows NT has been purchased to allow ADIR to access the new version of AMLIS when it becomes available, as well as the Wordperfect version of Microsoft Office Professional 97 to upgrade word processing capabilities.

The AML program completed 27 projects (including 13 emergency projects) during the evaluation year. The 13 emergency projects involved the reclamation of 14 features (one vertical opening and an adjacent portal were closed, 11 pothole subsidence areas were eliminated, and two gob fires were extinguished). One of the emergencies involved a pothole subsidence event beneath an occupied dwelling and another involved a subsidence opening directly affecting a commercial building. Reclamation achieved by non-emergency activities include 14,800 linear feet of dangerous highwall, three hazardous impoundments, 24 acres of burning gob, one vertical opening, one portal, and 62 acres of spoil. The AML Program received an allocation of $4,297, 981 in its 1997 AML Reclamation Grant, including $300,000 for emergency reclamation and $325,000 in Clean Streams Initiative funding. A total of 18.8 positions is funded through the Program.

In a diligent effort to raise its obligation rate, ADIR is striving to complete reclamation projects within two years or less after submittal of the project to OSM.

V. SUCCESS IN ACHIEVING THE PURPOSES OF SMCRA AS MEASURED BY THE NUMBER OF OBSERVED OFF-SITE IMPACTS AND THE NUMBER OF ACRES MEETING THE PERFORMANCE STANDARDS AT THE TIME OF BOND RELEASE

To further the concept of reporting end results, the findings from performance standard evaluations are being collected for a national perspective in terms of the number and extent of observed off-site impacts and the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in the Birmingham Field Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-Site Impacts:

Directive REG-8 provides that OSM annually evaluate and report on the effectiveness of

ASMC's regulatory program in protecting the environment and the public from off-site impacts resulting from surface coal mining and reclamation operations. Off-site impact data is gathered nationwide in order to portray on-the-ground success of State programs in preventing or minimizing off-site impacts. An off-site impact is defined as anything resulting from a coal mining and reclamation activity or operation which causes a negative effect on resources (people, land, water, structures) and which is regulated or controlled by the applicable State program.

Off-site impact data was collected during BFO field inspections conducted between October 1, 1996, and August 11, 1997, to gather data from studies on contemporaneous reclamation, bond release, adherence to permit conditions, and complete inspection conditions. In addition, the report for each State inspection conducted after October 1, 1996, for the minesites inspected by the BFO was reviewed to determine if off-site impacts were recorded. One hundred and twenty-five coal mine permits and 630 associated State inspection reports were evaluated for off-site impact data.

Thirteen off-site impacts, affecting people, land, water and structural resources, were identified on ten minesites. Effects on resources were determined to be major in four cases, moderate in 15 instances, and minor in eight cases (an off-site impact could affect more than one resource). Bond forfeiture proceedings had been initiated on three of the sites, comprising four of the identified off-site impacts. Information concerning off-site impacts and resource effects is presented in Table 4. The major impacts were associated with violations involving failure to reclaim, mining off the permitted and bonded area, and damage to sediment control structures. All violations related to off-site impacts were cited by the State.

Studies on off-site impacts have been conducted during Evaluation Year (EY) 1996 and EY 1997. OSM and State inspection data collected to date seem to indicate that the number of off-site impacts associated with Alabama minesites is diminishing (14 impacts/197 observations in EY 1996 and 13 impacts/755 observations in EY 1997). Off-site impacts also appear to occur infrequently. While the occurrence of off-site impacts is beyond the control of the Alabama Surface Mining Commission, the BFO has concluded from this review that the State is operating its inspection and enforcement program in a manner that discourages the occurrence of off-site impacts and is employing diligence in discovering and citing violations involving off-site impacts as they occur.

B. Bond Release:

This study was conducted as part of a nationwide review of State bond release processes under OSM Directive REG-8. ASMC's effectiveness in ensuring successful reclamation through compliance with performance standards relative to bond release was evaluated.

A sample of bond releases reviewed by ASMC after October 1, 1996, was selected for

this evaluation. Seventeen Phase I increments, 11 Phase II increments, and 18 Phase III increments were reviewed at 19 sites. The field reviews occurred throughout the evaluation year, with the majority of sites reviewed prior to the ASMC's approval/denial of the bond release request.

The following parameters were evaluated through field observation and/or review of the State bond release files:

- Phase I - Approximate Original Contour (AOC) achievement (Evaluation Method - Onsite inspection)

- Phase II - Replacement of soil resources, vegetation stability (Evaluation Method - Onsite inspection and permit file review)

- Phase III - Postmining land uses, successful revegetation, surface water quality and quantity, restoration of ground water recharge capacity, comparison of premining to postmining surface water quality and quantity restoration (Evaluation Method - Onsite inspection and permit file review)

Phase I

The BFO inspected and conducted permit file reviews on 17 increments requested for Phase I bond release, totaling 1,642 acres. These increments were field inspected for AOC achievement, toxic material coverage (where indicated), and the removal of temporary structures and equipment. When indicated, water discharge was tested and toxic material coverage was measured. A permit file review was also conducted to determine the premining/postmining surface/ground water quality comparison and compliance of NPDES monitoring points.

Fourteen of these increments, representing 1,277 acres, were determined to have met the requirements for Phase I release. Three increments, totaling 365 acres, were determined not to have met the requirements for Phase I bond release. Problems on these increments were inadequate grading, lack of analysis of prime farmland replacement soils, and the failure to remove temporary haul roads.

Phase II

Eleven Phase II increments representing 610 acres were inspected. Onsite inspections were conducted to determine the presence of suitable soil replacement, to verify the establishment and presence of approved vegetation, to determine that vegetative success standards were met (90% cover), and to assure that the site was stabilized. A determination was also made that lands were not contributing suspended solids off the permit and that removal of temporary ponds and diversions was completed. The permit

files were also reviewed to determine acres of basins approved as permanent water impoundments and the applicability of prime farmland productivity.

Eight increments, totaling 505 acres, met the requirements for a Phase II bond release. Three increments, totaling 105 acres, were determined to not be releasable under a Phase II bond release. Problems on these increments included the failure to remove a basin or to request approval for a permanent impoundment, lack of submission of required water monitoring data, and the failure to meet acceptable tree count standards.

Phase III

Eighteen increments, totaling 808 acres, were reviewed for a Phase III bond release. These sites were field inspected for the achievement of postmining land use and successful vegetative cover. The permit files were reviewed to determine the approved postmining land use, groundwater recharge capabilities and water quality, and compliance with surface water discharge effluent limits. The permit files were also reviewed to determine that the appropriate liability periods had been met.

Fourteen of these increments, totaling 664 acres, were determined to have met the requirements for a Phase III bond release. Four increments, totaling 144 acres, were determined not to have met the requirements for a Phase III bond release. Problems on these increments were the lack of proof of productivity on increments approved for grazing land as a postmining land use, and the presence of rills and gullies on two other increments.

On all sites inspected in this sample, the BFO determinations were consistent with ASMC's actions on Phase I, II, and III bond releases. Based upon this review, the BFO determined that the ASMC's decisions on approving bond release requests met the requirements of the approved Alabama regulatory program.

As shown in Table 5, ASMC released 2,494 acres under a Phase I bond release, 1,775 acres under a Phase II bond release, and 4,140 acres under a Phase III bond release.

VI. OSM ASSISTANCE

OSM's oversight role has shifted to focus more on on-the-ground reclamation success and end results than on processes. OSM's changing role now emphasizes assisting the State in improving its regulatory and abandoned mine lands programs by identifying program needs and offering financial, technical, and programmatic assistance as necessary to strengthen the State programs. The BFO routinely provides information to ADIR and ASMC regarding new policy guidelines and procedures as well as changes in existing guidelines and procedures. Schedules of pending technical training and seminars are also provided.

During EY 1997, the OSM Technical Training Program provided technical training course opportunities on a variety of technical subjects. Twenty-two training slots in these courses were assigned to the ASMC technical staff.

ASMC requested an interpretation of the phrase "immediate mining area" as it is used in the Federal definition of "roads" at 30 CFR 701.5. The BFO researched the issue and provided written guidance to the ASMC regarding haulroads and the immediate mining area. ASMC utilized the guidance to resolve a question that had been brought before the Commission by a coal company.

Title V civil penalty reclamation projects are administered as cooperative agreements between OSM and ASMC. Funds were awarded in 1996 for the Berry Mountain Reclamation Project, the first civil penalty project in Alabama. The project proposed to accomplish AMD remediation by refurbishing a previously-constructed wetland, installing anoxic drains directly below the main acidic seep, and revegetating the area. In order to proceed with the project, a cooperative effort between the BFO and ASMC was initiated during 1997 to finalize all NEPA/NHPA reviews and requirements. As a result of this effort an authorization to proceed was signed, and procedures were established to allow for processing of civil penalty projects in a more timely manner.

The BFO played a significant role in facilitating the reclamation of four interim H & H Mining Company permits. Reclamation on the final site was completed during 1997 and the OSM enforcement action terminated.

The Blue Creek Gob Project, approved on September 24, 1997, was the first AML project involving an exemption to remove coal incidental to the reclamation under a government-financed project. In support of ADIR's project proposal, the BFO extensively researched government-financed projects and incidental coal recovery and provided ADIR with assistance on the approval document for the project. The BFO coordinated efforts between ASMC and ADIR to assure that all aspects of this type of reclamation were addressed.

The BFO provided ADIR with timely emergency approvals on 13 projects during the evaluation year. The BFO approved streamlining measures for ADIR's AML emergency reclamation procedures to allow ADIR to (1) expend funds on an emergency project in excess of the originally approved budget and (2) to utilize a "blanket emergency declaration" rather than submitting an individual proposal on each pot-hole subsidence emergency event.

In regards to nonemergency project activities, the BFO and ADIR cooperated concerning the development of the Cane Creek AMD Project, the first Clean Streams Initiative Project for the State of Alabama. Phase I of the project, funded at $325,000, was initiated

in 1997. The BFO later provided material concerning the Clean Streams Initiative and the Cane Creek AMD Project to Bass Info Magazine for promotion of the Initiative. In connection with National Historic Preservation Act (NHPA) implementation, the Smithfield Estates Park AML project involved reclamation with impacts on the above ground ruins of the Hamilton Mine, a site with potential for inclusion in the National Historic Register. The BFO drafted and coordinated the signing of a Memorandum of Agreement between OSM, the SHPO, and the Advisory Council on Historic Preservation that established reclamation parameters for the project in accordance with NHPA requirements.

The BFO and ADIR jointly organized and hosted the Interagency Forum on Acid Mine Drainage Clean-up held on April 22, 1997, with attendance by twenty Federal and State agencies, watershed organizations, and industry and university representatives. An overview of the Clean Streams Initiative and Alabama's AMD problems was presented.

The BFO provided assistance to ADIR for programs and hardware involving AMLIS and continued to maintain a routing service for both ASMC and ADIR which connects them to OSM's Wide Area Network.

VII. GENERAL OVERSIGHT TOPIC REVIEWS

A. Program Evaluations of the State Regulatory Program

Adherence to Permit Conditions

The Rules of the Alabama Surface Mining Commission, Chapter 880-X-8K-.11, provide the conditions to be included in each permit issued by ASMC. The permits may also include site-specific conditions as determined by ASMC.

In order to determine if permit conditions were being adhered to during mining and reclamation, a sample of 32 active permits issued prior to September 30, 1996, was selected for review. The permit conditions approved for each permit were examined. After the file reviews were completed, each site was field inspected by the BFO to determine the adherence of the mining company to the conditions specified for the permit.

Of the 32 sites evaluated, all permit conditions were met on 26 sites. On the remaining six sites, certain permit conditions were not being met at the time of inspection by the BFO staff. The failure to adhere to permit conditions had been addressed by ASMC on five of the six sites prior to the BFO inspection. One site visit resulted in the BFO issuing a Ten-Day Notice (TDN) for failure to comply with conditions of the permit. The ASMC submitted an adequate response to the TDN on January 7, 1997. In the response submitted by ASMC, the purpose and intent of the condition were explained in detail.

While the condition was poorly worded, it was determined that the operation was in compliance with the intent of the condition as explained by ASMC. ASMC has provided clarification to the operator on the meaning of the condition.

The BFO concluded that ASMC is assuring that operators adhere to permit conditions.

Contemporaneous Reclamation Activities

This study was conducted on contemporaneous reclamation as one measurement of the State's effectiveness in ensuring successful reclamation on lands affected by surface coal mining activities. Directive REG-8 states that "contemporaneous reclamation will be measured by comparing the year in which an acre was disturbed to the year it received Phase I, Phase II, and Phase III bond release." The ASMC Rules, at Sections 880-X-10C-.52 and 880-X-10D-.47, require that "reclamation efforts . . . of all land . . . disturbed by surface mining activities will occur as contemporaneously as practicable with mining operations." The study of contemporaneous reclamation was the first performance evaluation which was jointly designed and coordinated by ASMC and the BFO.

In the development of the study, ASMC expressed valid concerns with the procedure provided by Directive REG-8 for measuring contemporaneous reclamation. To overcome this measurement concern, ASMC and the BFO mutually agreed to a definition for this review. The definition agreed to was: *Contemporaneous Reclamation is returning the land to a productive state within a time frame practicable with mining operations while in full compliance with the ASMC rules and regulations.* The study plan between the BFO and ASMC included the following parameters:

- BFO field personnel to collect data during their inspections. Additional data to be collected through a review of associated ASMC inspection reports.
- ASMC to include, in its inspection reports, additional historical information on the completion of mining, dates of regrading, dates of revegetation, etc., to enhance the BFO collection effort.
- Data to be collected from a sample of complete inspections and partial inspections focusing on contemporaneous reclamation. All inspections to be conducted on active permits issued prior to January 1, 1996.
- Findings to be shared and discussed between ASMC and the BFO before finalizing the report.

During each inspection, the entire permit was evaluated by increment. Observations and evaluation were partially dependent on the mine status. For example, if the mine was actively mining coal, the time and distance requirements imposed by the State regulations (180 days or four spoil ridges) were evaluated. If mining was complete, backfilling and grading, soil stabilization, and revegetation were evaluated. Dates such as permit issuance, commencement of mining, mining completion, regrading, reseeding, etc., were

considered. Additionally, such factors as temporary cessation, permit revisions deferring reclamation, timeliness of bond release requests, failure to reclaim in a timely manner, bond forfeiture, and bankruptcy were considered. Approval to leave a section of highwall open for a subsequent underground mine opening was an example of a permit revision which would defer contemporaneous reclamation. Each determination of contemporaneous reclamation was based on the site conditions and the factors identified above.

During the review year the BFO inspected and collected data on 73 active permits, including 43 complete inspections and 30 partial inspections focusing on contemporaneous reclamation. Of the 73 permits evaluated, coal was being actively mined on 25, mining was complete and the sites were in reclamation on 30, ten were in temporary cessation, six were abandoned, and two remained undisturbed.

Of the 65 active permits mining coal, in reclamation, or in temporary cessation, six were identified as not contemporaneously reclaimed. The remaining permits (8) were inactive (abandoned, undisturbed); of that group, six were identified as not contemporaneously reclaimed while two were undisturbed. A total of 12 permits were identified as not contemporaneously reclaimed. ASMC had already taken enforcement action on ten of those permits prior to the BFO inspection. ASMC issued notices of violation (NOV) on the remaining two permits during the BFO inspection. In each of the 12 incidents, ASMC took appropriate enforcement action in a timely manner.

The study results indicate that permits in an active status are more apt to be reclaimed in a timely manner than other permits. Further, abandoned permits generally lead to bond forfeiture activity for failure to reclaim contemporaneously.

In all instances noted during this evaluation, ASMC conducted routine inspection activities, and where violations of the contemporaneous reclamation compliance were identified, appropriate enforcement action was taken pursuant to the State regulations. All the abandoned permits were not reclaimed contemporaneously, and each ultimately led to bond forfeiture action.

Permitting Requirements for the Identification and Handling of Toxic Materials

The purpose of this review was to assess the effectiveness of ASMC's policies and procedures related to the identification and subsequent handling of toxic materials. The study was developed as part of the BFO's performance agreement with ASMC under the Directive REG-8 requirement to measure and report on the State's effectiveness at implementing the environmental protection standards of SMCRA both during mining and after reclamation. The evaluation was conducted by personnel from the Mid-Continent Regional Coordinating Center (MCRCC) and included a detailed review of seven permits.

The review included the following: 1) examination of applicable program requirements pertaining to acid-toxic materials identification and handling; 2) review of associated standard permit forms/guidance; 3) review of file documentation for seven permits; 4) field review of four of the seven sites included in the file review; and, 5) recalculation of some of the acid-base accounting (ABA) spreadsheets to illustrate the impact of suggested improvements.

In general, ASMC's enforcement of permitting standards was found to be consistent and acceptable in terms of the regulatory requirements of the approved program. The ASMC has developed and implemented procedures for improved geologic permitting data, acid-base accounting (ABA), and acid-toxic materials handling plans. Recommendations were provided to ASMC that covered the categories of: 1) requiring ABAs on all surface mines and surface effects of underground operations and updating as necessary; 2) spoiling of unmined coal beds; 3) volumetric-adjusted impact of the immediate under burden below the lowest mined coal bed; 4) alkaline addition methods; 5) applicability of equipment for selective handling capabilities; 6) acid-toxic materials at coal processing facilities; and, 7) cover material for coal refuse, slurry or waste fills. Additional suggestions were presented by the MCRCC reviewer in the areas of utilizing diamond drill cores for sampling, impact area descriptions, consideration of unrecoverable coal, impacts of siderite, and developing threshold values in ABA analyses. These recommendations and suggestions were presented to ASMC to enhance and strengthen their program in the area of acid-toxic materials handling plans.

B. Program Evaluations of the State Abandoned Mine Lands Program

Procedures for Monitoring Abandoned Mine Land Projects During Construction

This review was conducted to determine if the degree of monitoring by ADIR of projects during construction was appropriate to insure that on-the-ground reclamation was achieved in a timely, cost effective manner.

Project monitoring is performed primarily to ensure that projects are constructed according to approved design. ADIR has written procedures which detail: 1) the frequency of monitoring visits; 2) the requirement of monitoring at critical construction points; 3) the development of appropriate written monitoring documentation; and, 4) the types of personnel which are authorized to perform monitoring functions. The project monitoring study was developed to capture the success of the State in following these procedures for a variety of projects (emergency, nonemergency, contractor, Walker County) over a one-year period of construction activity.

The population selected for the review included all projects completed between January 1, 1996, and December 31, 1996. This review involved a statistically valid sample of

projects taken at the end of each calendar quarter. Concurrent file and field reviews were conducted on 19 completed projects.

The file reviews were conducted at ADIR's Birmingham Field Office. All inspection reports were reviewed to determine the date of the inspection and the construction activities conducted on each date. Following the file review, each project was visited in the field to evaluate the success of the reclamation and to compare the reclamation activities described by the project monitor with the finished project. The BFO representative(s) was accompanied to each site by ADIR personnel. When all file and field reviews were completed each quarter, results of the analysis were shared with the ADIR Birmingham Field Office Supervisor.

The file review of the 19 projects disclosed that an ADIR project monitor, an ADIR construction supervisor, or the Walker County Soil and Water Conservation District Board Field Supervisor inspected each project each day that the project was under construction. In addition, based on ADIR's inspection reports, a monitor was onsite during each project's critical phases of construction.

BFO field inspections were conducted to verify the condition of the project and also to verify that the project had been constructed according to the design plan. Good site conditions and adherence to the design plans were considered to be evidence of a monitoring program which provided sufficient project oversight to produce properly constructed projects in a timely, cost-effective manner. A field inspection of each project revealed that in all cases the project goals had been met and site conditions were good to excellent.

Walker County Soil and Water Conservation District Board Reclamation Expenditures

The Walker County Soil and Water Conservation District Board (Board), through a cooperative agreement with ADIR is responsible (as assigned) for performing maintenance on completed AML projects, conducting start-to-finish reclamation projects, and carrying out AML emergency projects under a cooperative agreement with ADIR. The Board plays a significant role in Alabama's AML Program. During the 1997 review year, they reclaimed 12 of the 13 emergency projects, performed start-to-finish reclamation on eight of the 14 non-emergency projects, and follow-up maintenance on all AML projects completed during the time period.

In order to accomplish the tasks assigned, the Board maintains an office and equipment/materials yard in Boldo (Walker County), Alabama. The Board utilizes and maintains a large and inclusive inventory of agency (ADIR)-owned and leased heavy equipment, mechanical and construction tools, vehicles, and equipment. In

addition, the Board acquires, stockpiles, transports, and ultimately utilizes significant quantities of fuel and materials for the completion of high quality reclamation through its cooperative agreement with ADIR. The Board also maintains a highly competent, full-time staff, and has the authority to secure materials, equipment, and services necessary to accomplish the assigned reclamation tasks. Consequently, the Board is responsible for maintaining records documenting all such expenditures.

The focus of the review was to determine if expenditures were properly documented and adequately supported, and to determine whether the expenditures were reasonable and appropriate to achieving reclamation success. The review was proposed by ADIR and was conducted jointly, utilizing both BFO and ADIR staff members.

The review focused on the Board's expenditure documentation for the period July 1, 1996, through June 30, 1997. During this period, an ADIR staff member and BFO staff member visited the Boldo office on six different occasions to observe expenditure documentation. The visits were coordinated with the office manager at the Board's Boldo office. During each visit, approximately two months of documentation were reviewed.

As directed by ADIR for fiscal reporting, each expenditure is identified under one of ten categories, such as personnel costs, supplies/materials, and equipment purchases. Written notations on expenditure documentation further identify the nature and the destination of the goods or services purchased. For example, invoices might be noted as office or shop supplies, parts/repairs for a specific vehicle or piece of equipment, or seed/mulch/fertilizer for a specific AML project, etc. For accounting purposes, each vehicle or piece of equipment is assigned a number, and each AML project is identified by name. These in-house bookkeeping procedures allowed the team to review each expenditure and readily identify the source and destination of the purchase.

During the period of July 1, 1996, to June 30, 1997, the Board's expenditures totaled $1,199,593.30, including salaries, wages, and benefits. During visits to the Boldo office, each expenditure document was reviewed to determine the purpose of the expenditure and how it related to the Board's abandoned mined land project functions. The team assessed whether the expenditures were appropriately documented, and lastly, determined whether the expenditures were reasonable and allowable in achieving reclamation success. The vast majority of expenditures were well-documented and notations were affixed for easy identification. Field validations were performed on many of the expenditures, and determinations were made on the necessity and appropriateness of the expenditures in meeting the Board's abandoned

mined land project objectives. Any questions resulting from the review were readily clarified and resolved to the team's satisfaction.

In only one instance was documentation questioned. A few invoices from an automotive parts store identified purchases simply as miscellaneous parts and labor. Because of added notations, the team could readily identify specific vehicles on which the expenditures were made, but was unable to determine what was purchased. A Board staff member acknowledged that the same question had been raised during a recent State internal audit, and that the concern had been resolved to the satisfaction of the auditor. The Board staff member explained that the original work orders identified the specific parts and specific labor performed, but generally became very soiled, and consequently would not be attached to the expenditure documentation. He further explained that the work orders were readily available, but filed separately. During subsequent visits to the Boldo office, the team observed that expenditures to the automotive parts store were sufficiently documented and noted to identify the purchases.

The review concluded that the Board was maintaining sufficient records and documentation for all expenditures, and that all expenditures reviewed were reasonable, allowable, and necessary to achieve reclamation success.

Appalachian Clean Streams Initiative Activities

In 1994, OSM inaugurated a program, in cooperation with the U.S. Environmental Protection Agency (EPA), called the Appalachian Clean Streams Initiative (ACSI). The program fosters the clean-up of streams impacted by acid mine drainage (AMD), using partnerships to augment clean-up activities. The State AML programs were encouraged to actively participate in the Clean Streams Initiative by identifying AML sites with AMD impacts, proposing projects for funding under ACSI, and developing partnerships with other agencies and watershed groups. ADIR was an early participant in the effort as evidenced by:

- Attendance at the meeting inaugurating the Clean Streams Initiative (September 1994).
- Attendance at OSM Clean Streams Team Meeting (July 1995).
- Submission of the Cane Creek AMD project for funding through the Clean Streams Initiative (August 1995).
- Signing of the Statement of Mutual Intent between OSM and EPA - Region IV (October 1, 1996).

During the current evaluation year, ADIR and the BFO independently and cooperatively engaged in a number of actions in the furtherance of the Clean Streams Initiative. These included:

- Celebrating the receipt of $325,000 in OSM grant monies for the reclamation of Phase I of the Cane Creek AMD project through a jointly-developed signing ceremony on October 28, 1996 (ADIR/BFO).
- Beginning construction of Phase I of the Cane Creek project on July 24, 1997 - the first ACSI project funded by 1997 Clean Streams monies to break ground (ADIR).
- Presenting the BFO with a list of potential AMD project sites on November 1, 1996, in anticipation of 1998 Clean Streams Initiative funding (ADIR).
- Developing and receiving approval for the Blue Creek Gob project on September 24, 1997, the first AML resource recovery project in Alabama (ADIR/BFO).
- Developing a cooperative partnership with the Oakman High School STREAM Club (ADIR) and establishing working relationships with watershed groups, such as the Alabama Rivers Alliance and the Five Mile Creek Action Committee (ADIR).
- Participating in meetings concerning AMD issues with numerous State and Federal agencies and watershed group (ADIR/BFO).
- Submitting grant applications with the U.S. Army Corps of Engineers and USDI Biological Resources Division to secure additional Clean Streams-related monies (ADIR).
- Updating the AML inventory to better characterize AMD conditions on AML sites (ADIR).
- Giving presentations on the Clean Streams Initiative at conferences and meetings (ADIR/BFO).

ADIR has enthusiastically embraced both the spirit and the practice of the Clean Streams Initiative and has independently engaged in partnership building on the local, State and Federal level to further ACSI goals. ADIR and the BFO have worked cooperatively throughout the year to promote reclamation of sites impacted by acid mine drainage.

APPENDIX A:

These tables present data pertinent to mining operations and State and Federal regulatory activities within Alabama. They also summarize funding provided by OSM and Alabama staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1996, to September 30, 1997. Additional data used by OSM in its evaluation of Alabama's performance is available for review in the evaluation files maintained by the Birmingham OSM Office.

APPENDIX A

TABULAR SUMMARY OF CORE DATA TO CHARACTERIZE THE PROGRAM

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	**Surface mines**	**Underground mines**	**Total**
Coal production[A] for entire State:			
1994	9.24	14.3	23.54
1995	8.17	16.31	24.48
1996[B]	6.76	18.4	25.16

[A] Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production.

[B] This figure represents the calendar year 1996 gross coal production figures.

(Coal production for the first two quarters of 1997 was 13,384,710 tons - 3,454,771 tons recovered by surface mining and 9,929,939 tons recovered by underground mining)

TABLE 2

INSPECTABLE UNITS
(As of September 30, 1997)

Coal mines and related facilities	Number and status of permits								Insp. Unit[D]	Permitted acreage[A]		
	Active or temporarily inactive		Inactive		Abandoned		Totals					
			Phase II bond release									
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	Total
STATE and PRIVATE LANDS	**REGULATORY AUTHORITY: STATE**											
Surface mines	2	224	1	3	0	32	3	259	262	603	87,383	87,986
Underground mines	0	18	0	0	0	1	0	19	19	0	4,585	4,585
Other facilities	0	15	0	0	0	0	0	15	15	0	2,423	2,423
Subtotals	2	257	1	3	0	33	3	293	296	603	94,391	94,994
FEDERAL LANDS	**REGULATORY AUTHORITY: STATE**											
Surface mines	0	3	0	0	0	0	0	3	3	0	597	597
Underground mines	0	1	0	0	0	0	0	1	1	0	370	370
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0
Subtotals	0	4	0	0	0	0	0	4	4	0	967	967
ALL LANDS[B]												
Surface mines	2	224	1	3	0	32	3	259	262	603	87,383	87,986
Underground mines	0	18	0	0	0	1	0	19	19	0	4,585	4,585
Other facilities	0	15	0	0	0	0	0	15	15	0	2,423	2,423
Totals	2	257	1	3	0	33	3	293	296	603	94,391	94,994

Average number of permits per inspectable unit (excluding exploration sites) 1

Average number of acres per inspectable unit (excluding exploration sites) 321

Number of exploration permits on State and private lands: 0 On Federal lands: 0 [C]

Number of exploration notices on State and private lands: 14 On Federal lands: 0 [C]

IP: Initial regulatory program sites.
PP: Permanent regulatory program sites.

[A] When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land.

[B] Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories.

[C] Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.

[D] Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.

TABLE 3

STATE PERMITTING ACTIVITY

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres[A]	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	9	9	1,043	2	2	85	0	0	0	11	11	1,128
Renewals	4	4	770	0	0	0	1	1	47	5	5	817
Incidental boundary revisions	28	28	63	0	0	0	1	1	-20	29	29	43
Revisions (exclusive of incidental boundary revisions)	48	46		14	12		0	0		62	58	
Transfers, sales and assignments of permit rights	11	10		4	4		1	1		16	15	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	0	0		0	0		0	0		0	0	
Exploration notices[B]	37	36		0	0		0	0		37	36	
Totals	137	133	1,876	20	18	85	3	3	27	160	153	1,988

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 27

[A] Includes only the number of acres of proposed surface disturbance.

[B] State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 4

OFF-SITE IMPACTS

RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF	Blasting													
PACT AND	Land stability	4		1	1		2	2	1				1	
TOTAL	Hydrology	7	1	3		2	3		2	4			1	1
MBER OF	Encroachment	2				2								
ACH TYPE	Other*													
	Total	13	1	4	1	4	5	2	3	4	0	0	2	1

Total number of permits or mine sites with observed off-site impacts:
Permits 10 Site or Mine _____

Total number of permits or mine sites evaluated:
Permits 125 Site or Mine _____

Total number of observations made to evaluate mine sites or permits for off-site impacts 775

ort the degree of impact under each resource that was affected by each type of impact. More than one resource may be affected by each type of impact. efore, the total number of impacts will likely be less than the total number of resources affected; i.e. the numbers under the resources columns will not ssarily add horizontally to equal the total number for each type of impact. To report the number of mine sites or permits use the same criteria used to rmine an inspectable unit in the State. Number of observations is based upon the criteria developed between each State and OSM and may include rvations by both the State and OSM.

TABLE 5

ANNUAL STATE MINING AND RECLAMATION RESULTS

Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	●Approximate original contour restored ●Topsoil or approved alternative replaced	2,494
Phase II	●Surface stability ●Establishment of vegetation	1,775
Phase III	●Post-mining land use/productivity restored ●Successful permanent vegetation ●Groundwater recharge, quality and quantity restored ●Surface water quality and quantity restored	4,140
	Total number of disturbed acres at end of last review period (September 30, 1996)[1]	68,864
	Total number of acres disturbed during this evaluation year	1,845
	Number of acres disturbed during this evaluation year that are considered remining	386

[1] Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).

TABLE 6

STATE BOND FORFEITURE ACTIVITY
(Permanent Program Permits)

	Sites	Dollars	Acres
Bonds forfeited as of September 30, 1997[A]	11	$2,566,184	2,093
Bonds forfeited during EY 1997	12	$707,096	1,517
Forfeited bonds collected as Sept. 30, 1996[A]	1	$556,725	309
Forfeited bonds collected during EY 1997	12	$707,096	1,517
Forfeiture sites reclaimed during EY 1997	9	$938,889	555
Forfeiture sites repermitted during EY 1997	0		0
Forfeiture sites unreclaimed as of Sept. 30, 1997*	16		705
Excess reclamation costs recovered from permittee	0	$0	0
Excess forfeiture proceeds returned to permittee	0	$0	0

[A] Includes data only for those forfeiture sites not fully reclaimed as of this date.

[B] Cost of reclamation, excluding general administrative expenses.

* Bond forfeiture reclamation on 3 of the sites is completed except for the following activities:

- One site consisting of 3 acres on which two basins are to be removed.
- One site consisting of 88 acres on which one pond is to be removed.
- One site consisting of 20 acres where tree planting remains to be completed.

TABLE 7

STATE REGULATORY PROGRAM STAFFING
(Full-time equivalents at end of evaluation year)

Function	EY 1997
Regulatory program	29
Permit review	9.5
Inspection	14.5
Other (administrative, fiscal, personnel, etc.)	5

TABLE 8

REGULATORY FUNDS GRANTED TO STATE BY OSM (Millions of dollars)		
Type of grant	**Federal funds awarded**	**Federal funding as a percentage of total program costs**
Administration and enforcement	$1.04	51%
Small operator assistance	$0.00	0%
Totals	$1.04	

APPENDIX B

STATE COMMENTS ON THE REPORT

From: Randy Johnson <rcjohnso@martia.osmre.gov>
To: Art Abbs <AABBS@balgw.osmre.gov>
Date: 12/1/97 2:14pm
Subject: Annual Report

Art:

We have no further comments on the 1997 Annual Report.

Randy Johnson,
ASMC Director

STATE
OF
ALABAMA

DEPARTMENT OF INDUSTRIAL
RELATIONS

STATE PROGRAMS DIVISION

649 MONROE STREET
MONTGOMERY, ALABAMA 36131-5200
PHONE: (334) 242-8265
FAX: (334) 242-8403
TDD MESSAGE: 1-800-548-2546

November 18, 1997

Mr. Arthur W. Abbs, Director
Alabama Field Office
USDI Office of Surface Mining
135 Gemini Circle - Suite 215
Homewood, Alabama 35209

Dear Mr. Abbs:

This is to advise that we have reviewed the initial draft of OSM's 1997 Annual Evaluation Report for Alabama, and concur with the findings relative to the Abandoned Mine Land Reclamation Program.

Thank you for the opportunity to comment.

Sincerely,

Tom J. Ventress
State Programs Administrator

TJV/sw