

Office of Surface Mining

Annual Evaluation Summary Report
of
KANSAS

for

Evaluation Year 1997
October 1, 1996 to September 30, 1997

November 1997

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1997 KANSAS ANNUAL EVALUATION REPORT

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 programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Kansas Program and the effectiveness of the Kansas Surface Mining Section (KSMS) in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of October 1, 1996 to September 30, 1997.

The primary focus of the OSM oversight policy for the 1997 evaluation year is an on-the-ground results-oriented strategy that evaluates the end result of State program implementation, i.e., the success of the State programs in ensuring that areas off the minesite are protected from impacts during mining, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The new policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA through the development and implementation of a performance agreement. Also, the policy this year continues to encourage public participation as part of the oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection.

To further the idea that oversight is a continuous and ongoing process this annual report is structured to report on OSM and Kansas progress in conducting evaluations and completing oversight activities, and on their accomplishments at the end of the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the period are available and copying at the OSM Office in Alton, IL.

The following list of acronyms are used in this report:

AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
AVS	Applicant/Violator System
EPR	Enhancement and Performance Reviews
KDHE	Kansas Department of Health and Environment
KSMS	Kansas Surface Mining Section
MCRCC	Mid-Continent Regional Coordinating Center
OSM	Office of Surface Mining
SMCRA	Surface Mining Control and Reclamation Act of 1977
TIPS	Technical Information Processing System

II. Overview of the Kansas Coal Mining Industry

The coal-bearing areas of Kansas cover about 18,000 square miles or 23 percent of the State. The demonstrated reserve coal base is estimated to be 976,800,000 tons or 0.2 percent of the United States coal reserves. Kansas coal varies from lignite, in north central Kansas, to highly volatile A bituminous, in southeast Kansas. The average number of tons of overburden mined to each ton of coal is about 13:1. The coal seams themselves are usually 1 to 3 feet thick. Only the bituminous coal of southeast Kansas is actively mined.

Coal deposits in Kansas were first mined in 1865 as settlers extracted the easily reached coal seams near the surface. Beginning in the 1880's, most of the coal produced in southeast Kansas was extracted by deep shaft mining. By 1920 deep shaft mining had given way to a newer, more economical method--strip mining. By the time SMCRA was enacted in 1978, approximately 46,000 acres in 41 counties were affected by coal mining. The resulting hazardous conditions recorded in OSM's Abandoned Mine Land Inventory System were 166,017 feet of dangerous highwalls; 276 acres of dangerous piles and embankments; 4 hazardous water bodies; 272 vertical openings; 35 hazardous facilities; 40 acres of unauthorized industrial and residential dumps on mine lands; and 1,051 acres of surface subsidence under towns and roads. Kansas is actively reclaiming these on a priority basis as Abandoned Mine Land (AML) funds become available. No deaths associated with AML hazards were reported during this evaluation period.

Coal production in Kansas has steadily declined from the 1917 peak of 7 million tons. In 1981 coal production was 1,361,000 tons. As shown in Table 1, Kansas mines produced less than 300,000 tons of coal in 1997. Midwestern coal has suffered since 1981 because of competition with western coal companies producing cleaner, less expensive coal, and because of low crude oil and natural gas prices. Federal air quality control legislation, which has tightened air quality emission standards, further reduced the market for the State's and the region's high sulfur coal. Coal production is concentrated in the southeastern part of the State. Coal produced in Kansas is used primarily for power generation.

III. Overview of Public Participation in the Program

Kansas has an active community outreach program. In the 1997 evaluation period, the KSMS presented three mine tours of AML projects, both in construction and completed, and of an active coal mine. One was for a group of geology students from Kansas University, one for the Kansas Water Office and one for the new Secretary of the Kansas Department of Health and Environment (KDHE).

There were approximately 428 citizens visits to the KSMS office to discuss various items and to obtain information about coal mining in the State. Approximately 110 requested information on underground mines, various reclamation projects, the status of current mining and/or reclamation, and miscellaneous other topics. Of these, two were requests for information to

assist students with school projects. Kansas has also responded to various requests from property owners and others for information about underground mining in the vicinity of structures, residences, proposed construction sites and public utility lines.

OSM reviewed Kansas' responses to three citizen complaints and three citizen inquiries in the Title IV (AML) program. In the State regulatory (Title V) program three verbal citizen complaints and two verbal inquiries were reviewed. Kansas investigated these complaints and inquiries thoroughly and provided written responses to the citizen's in a timely and appropriate manner.

IV. Major Accomplishments/Issues/Innovations

Kansas' revised and updated Surface Mining Section regulations were approved by the legislature and became effective May 2, 1997.

Two new coal mines were permitted and began operations during the evaluation year.

During the 1997 evaluation period, Kansas abated AML safety problems and reclaimed lands associated with 17,729 feet of dangerous highwalls; and 3 acres of clogged streams. In addition, 89 AML emergency complaints were investigated, resulting in completion of 38 emergency abatement projects. The average response time to these calls was 15 minutes. Three AML projects included extensive mitigation measures for the endangered grey bat.

Since the program was approved, Kansas has reclaimed 90,650 feet of dangerous highwalls; 23.5 acres of dangerous piles and embankments; 26 acres of subsidence; 299 vertical mine openings; 89 acres of gob piles, 10 acres of coal slurry ponds and 273 acres of spoil.

Kansas made progress in updating the AML Reclamation Plan to incorporate requirements of the June 30, 1994, Federal regulations. Kansas submitted a formal amendment to its state AML regulations on May 7, 1997. At the end of the evaluation period, a list of issues had been prepared by the Mid-Continent Regional Coordinating Center (MCRCC) to be addressed by Kansas. Once the State regulations are adopted, then the remainder of the State reclamation plan will be reviewed for update needs.

Kansas had not yet completed the required Reclamation Plan amendment to require the Applicant/Violator System (AVS) review of AML contractors. OSM will continue to review this topic during the 1998 evaluation year.

Kansas completed the new inventory ranking matrix and is in the process of evaluating it at this time.

During the evaluation period, Kansas maintained and followed proper internal controls for grant procedures to ensure accountability/responsibility of Federal funds obligated.

KDHE submitted a formal proposal that would adopt by reference the Federal regulations as they existed on July 1, 1995. The proposed amendment responded to all of OSM's 30 CFR Part 732 outstanding requirements. OSM will continue to track the amendment process in the next evaluation period.

Kansas also assisted OSM in organizing and hosting a training course on Wetlands. This course was attended by staff from Kansas, Missouri, Iowa, Arkansas and Oklahoma. Also attending were Kansas City Regional Office of the Corps of Engineers personnel, as well as staff from the OSM office in Alton, IL.

V. Success in Achieving the Purposes of SMCRA

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.

The overall measure of excellence in the AML (Title V) program is the degree to which States are successful in achieving reclamation goals. One of the primary goals of AML Enhancement and Performance Reviews (EPR) is to improve upon this success. EPR's document each State's ability to achieve desired outcomes. Emphasizing outcomes will allow OSM to justify when the end result is not being achieved and establish a basis for reaching agreement with (and providing assistance to) a State to improve its program.

Individual topic reports are available in the Alton, Illinois Office which provide additional details on how the following evaluations and measurements were conducted.

A. Off-site Impacts

A State/OSM team evaluated all inspectable units including bond forfeiture sites for off-site impacts in Kansas. A sample of 70 complete State and five joint complete Federal inspections was used to evaluate off-site impacts on 19 permits. There were no off-site impacts documented.

OSM concluded that given these criteria the Kansas program is effectively protecting the environment and public from off-site impacts resulting from surface coal mining operations.

B. Bond Releases

A bond release review was conducted in Kansas during this period. OSM's joint Phase III inspection and associated files review found that all bond release requests submitted to the State were handled timely and appropriately.

The effectiveness of the State program in ensuring successful (contemporaneous) reclamation was determined by assessing data gathered for Table 5 and the State's independent report on contemporaneous reclamation (Table 6). Out of 10,299 acres disturbed historically by mining in Kansas 4,875 acres (forty-seven percent) received Phase III release this review period. During this same period 156 additional acres were disturbed by mining related activities. No re-mining activity took place during this evaluation year. Kansas is diligently working to return the land disturbed by mining to its intended post-mining land use.

Kansas measures contemporaneous reclamation utilizing specific time frames for each phase of reclamation. Kansas believes this is the appropriate procedure to determine contemporaneous reclamation and utilizes the time and distance requirements established in the approved permit/State regulations. The independent report submitted by the State indicated that with one exception contemporaneous reclamation was in compliance with time and distance requirements in the State program. The incident where mining was not considered contemporaneous occurred as a result of more than four spoil ridges remaining standing behind an active pit. The company has declared bankruptcy and subsequent mine closure. The State took appropriate enforcement action and bond forfeiture proceedings are ongoing according to schedule. Bond amounts are adequate to complete bond forfeiture reclamation on this site.

OSM concluded that either way you look at it Kansas is effectively ensuring successful reclamation on lands affected by surface coal mining operations during this evaluation period.

C. Abandoned Mine Land Reclamation

During the evaluation period, Kansas completed reclamation of land and water resources associated with 17,729 feet of dangerous highwall and 38 AML emergency situations. Since program approval, Kansas has reclaimed 90,650 feet of dangerous highwall, 23.5 acres of dangerous coal waste piles and embankments, 14 mine related waste disposal sites, 25 acres of subsidence, 4 acres of burning mine refuse and 299 vertical openings related to underground coal mines.

Kansas designs and constructs AML reclamation projects in an efficient and cost effective manner, and in accordance with project approval documents. Mitigation requirements for the protection of gray bats (*Myotis grisescens*) are consistently

implemented in accordance with State and Federal permit requirements. Projects are monitored and maintained with the intention of achieving long term stability, and eventual release from state management.

Kansas continues to conduct the AML Emergency Program in an efficient and cost effective manner. Emergency complaints are investigated and addressed timely and in accordance with the State Reclamation Plan and emergency directives.

VI. OSM Assistance

OSM's goal is to provide direct technical assistance to Kansas in all aspects of Technical Information Processing System (status, utilization, training, maintenance, upgrades), and electronic permitting initiatives (Geographic Information System, Global Positioning System, and other spatial data technologies). OSM is also available to provide support for State symposia/conferences, topical seminars, workshops, interactive forums, and specialized on-site training.

OSM provided two days of formal Grants Administration training on March 17-18, 1997, in the MCRCC for a new Kansas employee on grants administration procedures and the responsibilities of a grants program specialist. The State requested that OSM provide Abandoned Mine Land Inventory System (AMLIS) training. OSM conducted a three day AMLIS workshop on December 10, 1996, in the MCRCC with one Kansas staff member in attendance. Also, at the State's request, a wetlands awareness course was held in Fort Scott, Kansas, on July 15, 1997, which provided three days of training for nine Kansas staff.

OSM has acquired a five user electronic permitting network for Kansas to access the Technical Information Processing System (TIPS) work station. When installation is complete this network will allow the State to run TIPS programs from personal computers as part of the electronic permitting initiative.

OSM has provided the State with access to color aerial photography for selected coal mines in Kansas. Color stereoscopic photographs can be obtained by Kansas through a vender at a greatly reduced cost, or the State has the option to create its own computer generated photogrammetric images. OSM has provided the State with scanned aerial photo negatives which have been placed on CD-ROM's for this purpose.

APPENDIX A

Tabular Summaries of Data Pertaining to Mining, Reclamation and Program Administration.

These tables present data pertinent to mining operations and State and Federal regulatory activities within Kansas. They also summarize funding providing by OSM and Kansas 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 Kansas' performance is available for review in the evaluation files maintained by the Alton, IL, OSM Office.

TABLE 1

COAL PRODUCTION (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
1994	0.28	0	0.28
1995	0.29	0	0.29
1996	0.78	0	0.78
1997 ^B	0.20	0.00	0.20

^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 First and second quarters.

TABLE 2

INSPECTABLE UNITS (As of September 30, 1997)												
Coal mines and related facilities	Number and status of permits								Permitted acreage ^A (hundreds of acres)			
	Active or temporarily inactive		Inactive		Abandoned		Totals					
	IP	PP	Phase II bond release									
			IP	PP	IP	PP	Insp. Unit ^D	IP	PP	Total		
STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	10	0	0	0	0	0	10	10	0	51	51
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0
Other facilities	0	5	0	0	0	0	0	5	5	0	6	6
Subtotals	0	15	0	0	0	0	0	15	15	0	57	57
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0
ALL LANDS^B												
Surface mines	0	10	0	0	0	0	0	10	0	0	51	51
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0
Other facilities	0	5	0	0	0	0	0	5	0	0	6	6
Totals	0	15	0	0	0	0	0	15	0	0	57	57
Average number of permits per inspectable unit (excluding exploration sites) <u>1</u>												
Average number of acres per inspectable unit (excluding exploration sites) <u>380</u>												
Number of exploration permits on State and private lands: . <u>10</u> On Federal lands: <u>0</u> ^C												
Number of exploration notices on State and private lands: <u>12</u> On Federal lands: <u>0</u> ^C												
<p>IP: Initial regulatory program sites. PP: Permanent regulatory program sites.</p> <p>^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land.</p> <p>^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.</p> <p>^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.</p> <p>^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p>												

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	1	2	288.8	0	0	0	0	0	0	1	2	288.8
Renewals	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Revisions (exclusive of incidental boundary revisions)	0	0	0	0	0	0	0	0	0	0	0	0
Transfers, sales and assignments of permit rights	0	0	0	0	0	0	0	0	0	0	0	0
Small operator assistance	0	0	0	0	0	0	0	0	0	0	0	0
Exploration permits	0	10	0	0	0	0	0	0	0	0	10	0
Exploration notices ^B	12	0	0	0	0	0	0	0	0	12	0	0
Totals	13	12	0	0	0	0	0	0	0	13	12	288.8

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions 0

^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		
	minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
DEGREE OF IMPACT												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0
Land stability	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0
NUMBER OF PERMITS												
TYPE	0	0	0	0	0	0	0	0	0	0	0	0
number of permits or mine sites with observed off-site impacts: Permits <u>0</u> or Mine Sites <u>0</u> number of permits or mine sites evaluated: Permits <u>19</u> or Mine <u>0</u> Sites number of observations made to evaluate mine sites or permits for off-site impacts <u>70</u>												

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. Therefore, 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 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 evaluate an inspectable unit in the State. Number of observations is based upon the criteria developed between each State and OSM and may include observations 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	<ul style="list-style-type: none"> ● Approximate original contour restored ● Topsoil or approved alternative replaced 	0
Phase II	<ul style="list-style-type: none"> ● Surface stability ● Establishment of vegetation 	570.29
Phase III	<ul style="list-style-type: none"> ● Post-mining land use/productivity restored ● Successful permanent vegetation ● Groundwater recharge, quality and quantity restored ● Surface water quality and quantity restored 	4,874.79
	Total number of disturbed acres at end of last review period (September 31, 1996) ¹	10,299.04
	Total number of acres disturbed during this evaluation year	5,713.05 ^A 156 ^B
	Number of acres disturbed during this evaluation year that are considered re-mining	0

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

A = Acres under permit that have not received a Phase III bond release.

B = Acres actually disturbed by mining this evaluation period.

TABLE 6

CONTEMPORANEOUS RECLAMATION

	180 Day ^A Backfilling & Grading	4 Spoil ^B Ridges	120 Day ^C Topsoil Replacement	Seeding ^D and Planting	Total Incidence
Incidence	0	1	0	0	1

A = The number of times the active pit was not backfilled and graded within 180 days of coal removal.

B = The number of times there were more than 4 spoil ridges standing behind the active pit.

C = The number of times there was more than 120 days between backfilling the pit and replacing topsoil.

D = The number of times a disturbed area was not seeded during the first favorable planting season.

TABLE 7

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of October 1, 1996 ^A	2	1,888,151	679.5
Bonds forfeited during EY 1997	0	0	0
Bonds under negotiations pursuant to 30 CFR 800.50	9	\$4,896,998	4,895
Forfeited bonds collected as October 1, 1996 ^A	2	1,888,151	679.5
Forfeited bonds collected during EY 1997	0	0	0
Forfeiture sites reclaimed during EY 1997	1	315,530 ^B	30
Forfeiture sites repermited during EY 1997	0	0	0
Forfeiture sites unreclaimed as of September 30, 1997	2	0	60
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.			

TABLE 8

STATE REGULATORY PROGRAM STAFFING (Full-time equivalents at end of evaluation year)	
Function	EY 1997
Regulatory program	3.55
Permit review	1.38
Other (administrative, fiscal, personnel, etc.)	1.17
Inspection	1.00

TABLE 9

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	\$0.13	50%
Small operator assistance	\$0	0%
Totals	\$0.13	50%

TABLE 10

**ABANDONED MINE LAND RECLAMATION
NEEDS AND ACCOMPLISHMENTS SINCE PROGRAM APPROVAL**

Problem nature	Unit	Coal-related problems				Noncoal-related problems	
		Abatement status			Total	Abatement status	
		Unfunded	Funded	Completed		Funded	Completed
Priority 1 & 2 (Protection of public health, safety, and general welfare)							
Clogged streams	Miles	2.2	0.5	.1	2.8		
Clogged stream lands	Acres	14.9	0.5	8.0	23.4		
Dangerous highwalls	Lin. Feet	71,852.0	8540.0	90650.0	171,042.0		
Dangerous impoundments	Count	1.0	0.0	1.0	2.0		
Dangerous piles & embankments	Acres	243.0	1.0	23.5	267.5		
Dangerous slides	Acres	0.0	0.0	1.0	1.0		
Gases: hazardous/explosive	Count	2.0	0.0	0.0	2.0		
Underground mine fires	Acres	0.0	0.0	0.0	0.0		
Hazardous equip. & facilities	Count	33.0	0.0	2.0	35.0		
Hazardous water bodies	Count	2.0	0.0	2.0	4.0		
Industrial/residential waste	Acres	22.0	3.3	14.0	39.3		
Portals	Count	0.0	0.0	0.0	0.0		
Polluted water: agric. & indust.	Count	11.0	0.0	1.0	12.0		
Polluted water: human consumption	Count	2.0	0.0	0.0	2.0		
Subsidence	Acres	1,062.7	2.0	25.4	1,090.1		
Surface burning	Acres	0.0	0.0	4.0	4.0		
Vertical opening	Count	250.0	6.0	299.0	555.0		
Priority 3 (Environmental restoration)							
Spoil areas	Acres	3267.6	11.5	272.6	3,551.7		
Benches	Acres	0.0	0.0	0.0	0.0		
Pits	Acres	147.4	6.0	17.4	170.8		
Gob piles	Acres	203.5	0.0	89.0	292.5		
Slurry ponds	Acres	8.0	0.0	10.0	18.0		
Haul roads	Acres	29.0	0.0	0.0	29.0		
Mine openings	Count	8.0	0.0	0.0	8.0		
Slumps	Acres	344.0	0.0	0.0	344.0		
Highwalls	Lin. Feet	7,190.0	0.0	5,100.0	12,290.0		
Equipment/facilities	Count	65.0	0.0	1.0	66.0		
Industrial/residential waste	Acres	3.0	0.0	0.0	3.0		
Water problems	Gal./min.	51.5	0.0	0.0	51.5		
Other	--	98.2	6.0	1.0	105.2		

Note: All data in this table are taken from the Abandoned Mine Land Inventory System (AMLIS). Since information concerning noncoal-related problems and accomplishments did not have to be included in AMLIS until November 26, 1991, the table may not reflect all noncoal-related accomplishments.

APPENDIX B

State Comments on Report



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Gary R. Mitchell, Secretary

October 30, 1997

Russell W. Frum
Oversight Team Leader
Office of Surface Mining
Mid-Continent Regional coordinating Center
Alton Federal Building
501 Belle Street
Alton, IL 62002

RE: 1997 EY Oversight Report

Dear Mr. Frum:

Following is the Kansas Department of Health and Environment's (KDHE) response to the Office of Surface Mining Reclamation and Enforcement's (OSM) draft Annual Report for EY 1997:

1. The cover of the annual report needs to mention the Abandoned Mine Land Program as well as the Regulatory Program.
2. On Page 3 in the 3rd paragraph under the heading Major Accomplishments the total feet of highwalls reclaimed needs to be changed from 2,614 feet to 17,729 feet of dangerous highwalls. Also, on page 5 under C. Abandoned Mine Land Reclamation, the 7,729 feet of highwall quoted needs to be changed to 17,279 feet of dangerous highwall.
3. On Page 6 in the second paragraph under VI. OSM Assistance, the document states that two (2) Kansas staff attended the AMLIS training. This number needs to be changed to one(1), since Mickey Center was the only Kansas staff member to attend that training course.
4. Attached is a new copy of Table 7 which does a better job of explaining what is occurring with the two potential bond forfeitures. Presently the bonds have not been forfeited, but are in the process of being forfeited under 30 CFR 800.50. This entails allowing both the permittee and the surety the opportunity to complete reclamation in lieu of bond forfeiture. At this time negotiations are occurring with the two sureties.

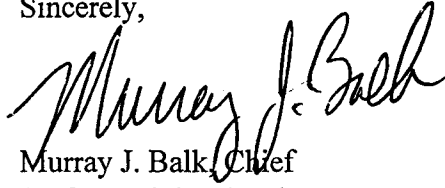
RECEIVED

NOV 04 1997

D. S. M. - MCKOC
Alton, Illinois

If you have further questions or comments please feel free to contact me at (316) 231-8540.

Sincerely,

A handwritten signature in black ink that reads "Murray J. Balk". The signature is written in a cursive style with a large initial "M".

Murray J. Balk, Chief
Surface Mining Section

OSM'S ACTIONS ON KANSAS' COMMENTS REGARDING THE 1997 ANNUAL EVALUATION REPORT

OSM response to the Kansas' comments are in the same order as the comments are presented in the State's letter dated October 30, 1997.

1. The cover of the report was modified to reflect the State's comments.
2. The third paragraph on page three under the heading Major Accomplishments, and the first paragraph on page five under the heading Abandoned Mine Land Reclamation were changed to show that 17,729 feet of highwall were reclaimed this evaluation year.
3. The second paragraph on page six under the heading OSM Assistance was revised to show that one Kansas staff member attended the AMLIS training during the 1997 evaluation period.
4. OSM changed Table 7 to reflect the revised numbers submitted by the State.