



**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

**Annual Evaluation Report**

for the

**Regulatory and Abandoned Mine Land Reclamation Programs**

Administered by the State

of

**Oklahoma**

for

**Evaluation Year 2000**

(October 1, 1999 through September 30, 2000)

## Table of Contents

I.	Introduction .....	1
II.	Overview of Coal Mining Industry .....	2
III.	Overview of Public Participation in the Program .....	2
	A. Public Participation in OSM s Oversight .....	2
	B. Public Participation in the State Program .....	2
IV.	Major Accomplishments/Issues/Innovations .....	3
	A. Regulatory Program .....	3
	B. Abandoned Mine Land Reclamation Program .....	3
V.	Success in Achieving the Purposes of SMCRA .....	5
	A. Off-Site Impacts .....	5
	B. Reclamation Success .....	6
	C. Customer Service .....	7
VI.	OSM Assistance .....	8
VII.	General Oversight Topic Reviews .....	9
	A. Mine-Site Evaluation .....	9
	B. Bonding Instruments and Records .....	9
	C. Bonding for AMD Sites .....	10
	D. Contractor Reclamation with Forfeited Funds .....	10
	E. Alternative Enforcement Actions .....	11
	F. Surface Runoff Control Structures .....	11
	G. Postmining Land Use .....	12
	H. Fish and Wildlife Resources .....	12
	I. Influence/Intimidation of ODM Employees .....	13
	Appendix A: Tabular Summaries of Data .....	15
	TABLE 1 .....	16
	TABLE 2 .....	17
	TABLE 3 .....	18
	TABLE 3A .....	19
	TABLE 4 .....	20
	TABLE 5 .....	21
	TABLE 6 .....	22
	TABLE 7 .....	23
	TABLE 8 .....	24
	TABLE 9 .....	25
	TABLE 10 .....	26
	Appendix B: State Comments on Report .....	27



## 2000 ANNUAL EVALUATION REPORT

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### I. Introduction

The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining Reclamation and Enforcement 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 Oklahoma program and the effectiveness of the Oklahoma program in meeting the applicable purposes of SMCRA as specified in Section 102. The evaluation period covered by this report is October 1, 1999, to September 30, 2000.

OSM continued to implement the new oversight policy initiated in the 1996 evaluation year. The primary focus of the new policy 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, that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed, and the level of customer service provided by the States. This 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, this policy continues to encourage public participation as part of the revised oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections that measure the effectiveness of Oklahoma's program to ensure compliance with SMCRA's environmental protection standards.

Oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to highlight Oklahoma's accomplishments and OSM's and Oklahoma's progress to complete oversight activities. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Office of Surface Mining, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following acronyms are used in this report:

AEA	Alternative Enforcement Action
AMD	Acid Mine Drainage
AML	Abandoned Mine Land
AMLR	Abandoned Mine Land Reclamation Program
AOC	Approximate Original Contour
EY	Evaluation Year
ODM	Oklahoma Department of Mines
ODWC	Oklahoma Department of Wildlife Conservation
OSM	Office of Surface Mining

## 2000 ANNUAL EVALUATION REPORT

---

SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
TFO	Tulsa Field Office
TIPS	Technical Information Processing System

### II. Overview of Coal Mining Industry

The coal-bearing strata in Oklahoma occur in the eastern portion of the State. The coal is bituminous and is Middle and Late Pennsylvanian in age. The demonstrated coal reserves are 1.6 billion tons, or 0.3 percent of the total U.S. coal reserves. About 8,000 square miles in Oklahoma have coal-bearing strata that are considered to be of commercial value with seams ranging from 10 inches to 8 feet thick.

Coal production for 1999 was 1.6 million tons, a decrease from the 1.7 million tons in 1998. Thirteen permits produced coal during 1999. One of the 13 producing permits was an underground mine, 1 was a contour mine, while the remaining 11 were area surface mines. Oklahoma had 90 permits that included 34,307 acres at the end of the evaluation period. ODM employed 29 people to administer the approved regulatory program.

### III. Overview of Public Participation in the Program

#### A. Public Participation in OSM's Oversight

OSM distributed Citizen Information Cards, that were developed in EY-1999, to citizens in an effort to educate them about their rights, and what to do if they have a concern about a mining operation or an AML site. OSM participated in bond release inspections throughout the year that resulted in significant interaction with landowners. TFO developed and coordinated a Student Outreach Program in April 2000. The program allowed OSM and ODM employees to take 140 students and 10 teachers through nine educational outreach stations on an active minesite. Everyone involved reported a positive educational experience.

#### B. Public Participation in the State Program

ODM allows public input into the State program through several avenues. Citizens may comment on permit applications, amendments to the State program, or file complaints on mining operations. Citizens may participate in the various conferences, hearings, and inspections that are part of the permitting and enforcement process. For example, ODM inspectors regularly interact with landowners during Phase I, II, and III bond releases. ODM staff participates in an annual Science Teachers Education

## 2000 ANNUAL EVALUATION REPORT

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Program, where ODM and other government agencies dispense information about their programs and interact with science teachers for 2 days. ODM employees participated in the Student Outreach Program as discussed in the previous section. The Oklahoma Mining Commission conducted six regular meetings throughout the year that were open to the public.

### IV. Major Accomplishments/Issues/Innovations

#### A. Regulatory Program

ODM issued one new surface mine permit, renewed four existing permits, approved 31 revisions and six incidental boundary revisions to existing permits, totaling approximately 2,094 acres. Newly permitted acreage decreased to 2094 acres from the 3,896 acres approved in EY-1999 (Table 3).

ODM conducted Phase I bond releases on 705 acres, Phase II on 1,172 acres, and Phase III on 1,385 acres. Total bonded acres statewide was reduced slightly from 34,829 to 34,307 acres (Table 5).

ODM did not collect or forfeit any bonds during the 2000 evaluation period.

ODM continued its review of permittees for possible alternative enforcement actions on 147 AEA referrals, that it began during the previous evaluation period. The principle officer of one abandoned coal mine has been negotiating with ODM for three years for settlement on a 1,174 acre permit.

#### B. Abandoned Mine Land Reclamation Program

The Oklahoma Conservation Commission is the State Regulatory Authority for the AMLR program. It operated with an annual grant of \$1,707,924 and full-time staff of six. Part-time field staff are used on an as-needed basis for engineering surveys and as construction inspectors. Project selection is based on a system that considers protection of the health, safety, general welfare, and property, from the dangers and adverse effects of past coal mining practices. Selection of projects for construction complied with Section 403 of SMCRA, and the approved AMLR program.

In EY-2000, OCC s projects were funded through its annual construction appropriation plus carry-over of construction projects started in previous years. Projects included reclaiming priority 2 water-filled coal mine strip pits and highwalls, as well as closing openings associated with past underground coal mining activities. The underground mine openings were addressed under OCC s AML Emergency Program. Selected

## 2000 ANNUAL EVALUATION REPORT

---

projects have usually been located near roads and facilities where the general public has been affected. Where possible, the pits have been filled in and the highwalls reclaimed to eliminate the hazard.

OCC followed standard construction practices using State contracting procedures. A citizen's complaint involving a joint NRCS/OCC project that was reported in the EY-1999 annual evaluation report, was still in mediation at the close of this evaluation period.

OCC re-evaluated its procedures for implementing Storm Water Pollution Protection Plans for its AML projects. As a result of the assessment, changes were made in OCC's procedures and designs for handling storm water runoff. When implemented with the first project startup in EY 2001, the new procedures should result in enhanced protection for water resources during project construction.

During EY-2000, OCC completed one emergency project and one regular reclamation project. Reclamation was completed on approximately 43 acres, including approximately 2,850 linear feet of highwall, 1 hazardous water body, and 2 vertical openings. Since program approval OCC has reclaimed approximately 3,257 acres.

**V. Success in Achieving the Purposes of SMCRA**

To further the concept of reporting end results, the findings from performance standard and public participation evaluations are being collected for a national perspective in terms of the number and the extent of observed off-site impacts, the number and percentage of inspectable units free of off-site impacts, the number of acres that have been mined and reclaimed that meet the bond release requirements and have been released for the various phases of reclamation, and the effectiveness of customer service provided by the State. Individual topic reports are available at TFO that provide additional details on how the following evaluations and measurements were conducted.

**A. Off-Site Impacts**

Eight off-site impacts were observed by State and Federal personnel during 937 opportunities for observations. An observation is defined as an inspection, either State or Federal, partial or complete. When a Federal observation led to a State observation, or the inspections were conducted jointly, the observation was only counted once. No types of mine sites were excluded from observations. An off-site impact is anything resulting from a surface coal mining and reclamation activity that causes a negative effect on resources (people, land, water, structures), outside areas permitted to be disturbed.

ODM and OSM agree that some cited violations may not result in an off-site impact. However, ODM and OSM personnel disagree on the definition of off-site impacts involving violations of effluent standards and violations for failure to pass surface drainage through a sedimentation structure. ODM maintains that violations for failure to pass and effluent limits will often be reported as having no off-site impact, because damage or a change to an affected stream, or to an undisturbed area cannot always be substantiated. OSM maintains that Oklahoma's position addresses the degree of environmental damage from the impact, rather than simply recording the occurrence of an impact. All effluent violations have some negative effect on the receiving stream or on the undisturbed area, although the impact may be minor. In EY-1998 ODM and OSM personnel agreed to use upstream and downstream sampling to substantiate the impact of discharges, in an attempt to provide a means to measure the effects of discharges, making the differences in the definition of off-site impacts a moot point. One downstream pH test was conducted in EY-1999, but no upstream testing or sampling was conducted. No upstream or downstream sampling was reported in EY-2000. In 2 of 6 cases reviewed, upstream and downstream sampling could have been performed to measure the degree of impacts. In the remaining four cases, upstream and downstream sampling was not warranted because the discharges had long since exited the mine site, and only the sediments and/or erosion remained.



## 2000 ANNUAL EVALUATION REPORT

---

The differing interpretations of impacts from failure to pass /effluent limits violations resulted in three cases where ODM reported no impact, and OSM's analysis determined that two impacts could have been recorded.

One of the off-site impacts reported by ODM and OSM had a major impact, 4 had moderate impacts, and 3 impacts were minor. Also, 85 of 90 inspectable units were reported as being free of off-site impacts.

The total number of both Federal and State observed impacts has decreased from 29 in EY-1997, to 14 in EY-1998, to 8 in EY-1999, and to 8 again in EY-2000. ODM reported 4 of the 8 impacts, while OSM reported 5 of the 8 impacts, with both agencies reporting the same impact from a hydrology violation that is reported here once.

The goal for EY-2001 is for ODM, OSM and the coal industry to work together, especially in relation to protecting the hydrologic system, to further reduce off-site impacts (See Table 4).

### **B. Reclamation Success**

OSM is evaluating reclamation success by comparing the number of acres released with acres bonded. At Phase I bond release AOC has been achieved, and usually topsoil or an approved alternative soil medium has been replaced on disturbed areas. At Phase II bond release surface stability has been achieved, and vegetation established. Phase III bond release is the final step in reclamation performance bond release with implementation of the post-mining land use, return of vegetation productivity and restoration of surface- and ground-water hydrology.

At the end of EY-2000, 34,307 acres were under a bond for coal mining in Oklahoma. Phase III bond releases were 1,385 down from EY-1999 when 3,199 acres were released. Phase II bond release have increased to 1172 acres from 878 acres in EY-1999, while Phase I releases are significantly down from 2,368 to 705 acres (Table 5). Oklahoma has continued to encourage reclamation, and the release of bond from mined areas. Based on bond release inspections in EY-2000, OSM concluded that ODM successfully implemented its program so that reclamation success was assured on reclaimed lands where bonds have been released.

In the previous evaluation period (EY-1999), it was reported that OSM and ODM disagreed over the release of Phase I reclamation liability on one permit where a temporary AMD treatment facility is operating. During EY-1999 and EY-2000, OSM and ODM have been working together to determine the best means of requiring a permanent AMD treatment facility on this permit, the most appropriate design for the

## 2000 ANNUAL EVALUATION REPORT

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facility using the Best Technology Currently Available, and the amount of bond for the permit.

During the 1999 calendar year, ODM and OSM formed a joint agency team that developed the draft ODM policy entitled, Department Policy Concerning Unanticipated Acid Mine Drainage. The State has reported that when the policy is officially issued, it will be used to provide the Department, and coal operators, with guidance on the permitting and bonding of AMD treatment facilities.

In recent years ODM and OSM have been working together to refine the processes for ensuring that bonds are forfeited on abandoned sites, violations are corrected, and reclamation plans are completed. In past years ODM has forfeited most of the available bond to reclaim abandoned mines. No bond was forfeited in EY-2000. Therefore, the funds necessary to reclaim the remaining abandoned sites will have to come from alternative enforcement actions (see Section VII.E. and Table 7).

### **C. Customer Service**

Based on the review of citizen s complaints, permitting actions, bond releases, and the availability of records, OSM found that ODM provided opportunities for public participation in each of these areas.

ODM investigated five written complaints, and referred one to the State s Abandoned Mined Lands Division. ODM also investigated six telephoned complaints, two complaints of permit revisions, and two complaints of bond releases. All complaints were reviewed to determine the level of customer service provided by ODM. OSM also interviewed the four citizens that submitted the five written complaints. All four citizens report that ODM Inspectors were professional and courteous while servicing the complaints. Two of the citizens agreed with ODM s resolution of their complaint, and two disagreed with ODM, but all four agreed that the State had provided as much service as was possible considering the constraints of their regulations.

ODM investigated six oral complaints that were not followed with a written statement from a citizen. The State is not required to investigate oral complaints until a written statement is received; therefore, treating these as if they were written complaints provides a level of customer service that is above that required by the State program.

Two major revisions to permits were reviewed to determine if citizens were provided the opportunity to comment on the permitting actions, and whether the comments were considered in making the decision on the action. ODM required appropriate advertisement of permit applications in a local newspaper so that citizens could review permitting actions and have an opportunity to comment on them. Permit applications

## 2000 ANNUAL EVALUATION REPORT

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that were on file in a public place were available and more organized than in previous evaluation periods. Neither revision application reviewed received public comments; therefore, an informal public conference and/or public hearing was not required in either case.

OSM reviewed two bond release applications and found that ODM provided citizens the opportunity to review those two bond release applications, participate in the bond release inspections, and offer comments about the releases.

ODM made records available to the public through notebooks placed in public libraries located in coal mining areas. The notebooks contained lists of permits, revisions, and violations along with instructions for obtaining copies. ODM maintained the notebooks so that they were accurate and current.

### VI. OSM Assistance

The State requested and OSM provided assistance in:

- \*  Training through OSM's Branch of Training and Technical Information. ODM employees attended courses that were offered throughout the year, that addressed the technical aspects of mining and reclamation. These courses were provided for State and OSM employees as well as industry and others on a space available basis. During EY-2000 Oklahoma sent 15 participants to 5 OSM courses. OSM also sponsored a specialized training session in blasting procedures. This course provided approximately 25 ODM Inspectors with in-depth blasting training. OSM provided the State with a basic blasting course in EY-1999, and the EY-2000 training was designed as the next step in understanding advanced blasting methods and regulatory requirements.
- \*  During the 1996 evaluation period, OSM provided ODM with assistance identifying deficiencies in State bonding instruments. Since 1996, OSM has been assisting ODM to correct bonding instruments that could cause difficulty recovering bond monies, should forfeiture become necessary.
- \*  OSM routinely provides training, support, hardware and software for TIP's. The TIP's system has been available to ODM for a variety of tasks for processing permit applications.
- \*  OSM employees routinely participate on teams that develop policies for all aspects of the State's regulatory program.

## 2000 ANNUAL EVALUATION REPORT

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- \*□ Providing technical assistance, through water sampling and the review of permitting documents to determine the most appropriate water treatment systems on several Title IV and Title V AMD sites.

Through the Administrative and Enforcement and Cooperative Agreement grants, OSM provided ODM with 59.9 percent of its operating costs for administration of its regulatory program, and through AML Administration and Construction grants, 100 percent of funds for its AMLR program.

### VII. General Oversight Topic Reviews

Reports and other documents concerning topics reviewed during the evaluation period are available at OSM's Tulsa Field Office located at 5100 E. Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

The following topics were evaluated in EY-2000:

#### A. Mine-Site Evaluation

During EY-2000, OSM conducted 5 complete inspections, 8 bond release inspections, and 6 other inspections of Oklahoma mines. As a result of the oversight inspections, OSM sent one TDN to Oklahoma containing one violation. The State action on the violation was pending at the end of the evaluation period. A second TDN was issued as the result of a citizen complaint. The permittee and complainant agreed on the action to cause the violation to be corrected, and the State's response to the TDN was deemed appropriate. No Federal enforcement actions were issued in Oklahoma in EY-2000.

#### B. Bonding Instruments and Records

In the EY-1997 Performance Agreement, OSM agreed to review performance bonds to help determine if deficiencies in bonding instruments could be the reason ODM had experienced difficulties collecting some forfeited bond. The EY-1997 review found that ODM had bonding instruments with deficiencies that could cause difficulty recovering bond monies, should forfeiture become necessary. The problem that allowed the deficiencies to occur was that bonding actions were taken without the concurrence of all responsible parties. For example, changes occurred in mine plans that required new bonding documents, but the new documents were approved without the review of the Permitting Division, Inspection & Enforcement Division, Legal Division, and Bonding Accountant. To eliminate this problem, ODM implemented written policies and procedures in EY-1998 and EY-1999 that are intended to create a

## 2000 ANNUAL EVALUATION REPORT

---

paper trail for each bonding action that requires a review and concurrence from all the responsible parties. ODM committed to following the new policies and procedures in EY-1998 and EY-1999, but similar deficiencies have reappeared during a review of the State's bonding instruments in EY-2000. The shortcomings stem from the State correcting only those bonds OSM identified as having problems, and not checking other bond documents for omissions/errors. OSM has recommended that ODM initiate a bonding document check list that would be completed for each new or revised bond in Oklahoma.

### **C. Bonding for AMD Sites**

In April 1999, ODM and OSM created a self-directed team that drafted the Department's policy concerning unanticipated AMD. The purpose of the policy is to address bond shortfalls, respond to concerns raised through citizen input, and to give both ODM and coal industry employees guidelines for treating and bonding unanticipated AMD. The Team's draft policy is unique in that it is the result of a State/Federal effort that combines the most current water treatment and bonding ideas from several states, a Canadian program, and OSM. The team completed the policy and delivered it to the ODM Director in February 2000. The State is expected to implement the new policy soon after the beginning of the 2001 evaluation year.

### **D. Contractor Reclamation with Forfeited Funds**

In 1993, contractor reclamation was a significant issue identified in Oklahoma. A 1994 review by OSM identified 12 sites where ODM used bond forfeiture funds to reclaim abandoned sites without abating violations or complying with the reclamation plan.

In 1996 OSM and ODM worked together to determine if bond forfeiture actions were being pursued in a timely manner, if forfeited funds were being prematurely returned to sureties, and if efforts were being made to acquire additional funds from permittees when forfeited monies were not adequate to reclaim to Title V standards.

During 1997 and 1998 ODM made significant strides in contractor reclamation, collecting all bond funds available in the two cases reviewed, and conducting efficient on-the-ground reclamation. However, some problems remained through 1998, such as failing to provide detailed reclamation plans to contractors to ensure that reclamation complied with State program requirements, and that all violations were eliminated when the State had adequate funds to do so.

In EY-1999 ODM refined a policy document detailing State procedures for contractor reclamation. ODM followed the policy when pursuing bids and developed a method to resolve disagreements between Department employees about what constitutes Title V

## 2000 ANNUAL EVALUATION REPORT

---

reclamation. Very little bidding or bond forfeiture reclamation occurred in EY-1999, and no bond was forfeited or forfeiture reclamation conducted in EY-2000. Therefore, OSM will evaluate this topic when bond forfeitures or forfeiture reclamation occur.

### **E. Alternative Enforcement Actions**

In 1993, the lack of AEA s were one of the dominant issues identified by OSM in Oklahoma. The State and OSM formed a self-directed team that addressed the AEA issues in 1996. In 1997 ODM developed new AEA Policies and Procedures as requested by OSM. The evaluation of ODM s adherence to the policies concluded that the State was following the new procedures; however, OSM identified several problems with Oklahoma s system for pursuing AEA s that if allowed to develop, could have resulted in the AEA program being short circuited. The ODM Director expressed concern about the potential problems, and committed to continue working with OSM to assure that AEA s were implemented when Cessation Orders exceeded the abatement period or 30 days, whichever is longer. An EY-1999 review of progress being made by ODM to pursue AEA s was to be conducted by the Office of the Solicitor, but the evaluation has been rescheduled for EY-2001. ODM planned to accomplish the following in EY-2000:

- \* □ Evaluate two coal companies for possible AEA actions;
- \* □ Continue to evaluate previously requested AEA s for possible action, if not already closed;
- \* □ Issue a Show Cause Order for revocation of a permit. Further, ODM was to explore the possibility of filing civil suits for collection of penalties, and civil fines against an identified permittee that had abandoned a mine site.

ODM s accomplishment of these tasks will be evaluated by the Office of the Solicitor in EY-2001. OSM will then report on those findings in the 2001 Annual Evaluation Report.

### **F. Surface Runoff Control Structures**

The designs of sediment ponds and diversion ditches have been programmatic issues since 1992. OSM and ODM personnel have both agreed and disagreed many times over the appropriate designs for spillways, sediment pond clean-out plans, sediment storage volumes, diversion/terrace designs, etc. At different times throughout this period, both the State and OSM believed that the design flaws were no longer a problem. However, because of the continued concerns from citizens and other agencies, and from problems identified during OSM inspections, the topic was

## 2000 ANNUAL EVALUATION REPORT

---

reviewed in EY-2000. In general, OSM's review found that the designs are improved in many ways, but some design problems remain. For example, two of the three spillways reviewed on a particular permit had design flaws that are the same or similar to the problems identified in previous years; however, improvements were seen in areas such as minimizing short-circuiting. Diversion ditch designs have also shown some improvement while some of the historical problems continue to exist. ODM has responded to OSM's review by committing to review the effects of the designs in the field with OSM personnel, and to create inspector-oriented data sheets that can be used in the field to evaluate hydrologic structures during EY-2001.

### **G. Postmining Land Use**

The topic of postmining land use was reviewed in EY-1996 and again in EY-1998. In the EY-1996 review, OSM made the recommendation that ODM should not approve alternative postmining land uses that are justified with uses that are unachievable. The same problems with justifications were found during the EY-1998 review.

During the EY-2000 review period, OSM found that most permit applications were approved with postmining land uses that complied with the State program. The majority of permitting actions reviewed require the mining company to return the land to AOC, and to reclaim to designs that achieve a justified land use. However, a few alternative postmining land use changes were also identified during OSM's review that may not be justifiable and requires further review and evaluation.

OSM and ODM were in the process of discussing the questionable uses at the end of EY-2000. OSM and ODM will continue its evaluation into the EY-2001 period.

### **H. Fish and Wildlife Resources**

An EY-1998 review of ODM's Fish and Wildlife permitting topics recommended that ODM should:

- \*  require permittees to provide a quantitative estimate of the high quality wildlife habitat in a permit area;
- \*  require permittees to provide an estimate of the potential wildlife habitat value of proposed reclamation plans;
- \*  acquire a letter from the ODWC approving the minimum stocking and planting arrangements of tree and shrub species when fish and wildlife habitat is the approved post-mining land use;

## 2000 ANNUAL EVALUATION REPORT

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- \*□ require permittees to provide a statement of how they will minimize disturbances and adverse impacts on fish, wildlife, and related environmental values; and achieve enhancement of such resources where practicable.

The EY-2000 review did not identify any new programmatic problems or recommend any new corrective actions. OSM found that ODM is adequately implementing its approved program except for two of the four permitting topics identified as problems in EY-1998. The third topic was not evaluated during this review because none of the permits reviewed had a post-mining land use of fish and wildlife habitat. ODM implemented the fourth recommendation in all of the permits reviewed in EY-2000. The effects of not implementing all of the corrective actions from the EY-1998 review is that high quality wildlife habitat may not be identified, and then restored on reclaimed sites, resulting in a long term loss for Oklahoma wildlife species. Without a quantification of pre- and post-mining wildlife value, there is no way to know whether or how much loss is occurring to wildlife.

OSM has made the same recommendations to enhance the permitting reviews for fish and wildlife as were made in previous evaluation periods. These recommendation were being discussed at the end of the evaluation period.

### **I. Influence/Intimidation of ODM Employees**

This topic arose in 1994 and 1995 during joint OSM/ODM issue team meetings. The comments were that ODM employees were subject to pressure and intimidation if they tried to enforce some specific areas of the Regulatory Program. Some comments were that ODM employees were being told by supervisors, and State government officials outside ODM, to make decisions that were contrary to the requirements of the program. As a result of those discussions, TFO included the topic of influence/intimidation of ODM employees in its EY-2000 reviews.

The purpose of this study was to determine whether ODM employees have mechanisms in place that will allow them to perform their jobs of enforcing the State program without fear of retribution.

OSM studied the State program requirements included in the Surface Mining and Reclamation Act, the Oklahoma Administrative Code, and the Oklahoma Personnel Act to determine the authority that is given to ODM employees, and to determine if there are avenues of appeal should ODM employees believe that they have been discriminated against because they performed their jobs properly. No attempt was made to verify the complaints that ODM employees have been told, under threat, not to enforce the State program.



## **2000 ANNUAL EVALUATION REPORT**

---

The State program contains measures by which any ODM employee may raise a concern about discriminatory threats. OSM recognized that ODM employees have made statements that their jobs have been threatened, but found no formal complaints filed through the State program channels. Consequently, there is no record to evaluate to determine whether ODM has handled the complaints of discrimination properly. OSM concluded that if there are problems, employees who may have grievances have not used the mechanisms for correction of the problems.

OSM recommended that ODM should inform its employees of their rights and responsibilities in performing their jobs, and enforcing the approved State coal mining and reclamation regulatory program. ODM employees who may have been threatened should file formal complaints through the State program channels.

## 2000 ANNUAL EVALUATION REPORT

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### **Appendix A: Tabular Summaries of Data**

These tables present data pertinent to mining operations and State and Federal regulatory activities within Oklahoma. They also summarize funding provided by OSM and Oklahoma staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1999 to September 30, 2000. Additional data used by OSM in its evaluation of Oklahoma s performance is available for review in the evaluation files maintained by TFO.

**TABLE 1**

<b>COAL PRODUCTION (Millions of short tons)</b>			
<b>Period</b>	<b>Surface mines</b>	<b>Underground mines</b>	<b>Total</b>
<b>Coal production<sup>A</sup> for entire State:</b>			
<b>Calendar Year</b>			
1997	1.4	.21	1.61
1998	1.4	.3	1.7
1999	1.4	.2	1.6

<sup>A</sup> 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.

TABLE 2

<b>INSPECTABLE UNITS</b>												
<b>(As of September 30, 2000)</b>												
<b>Coal mines and related facilities</b>									Insp. Unit <sup>D</sup>	Permitted acreage <sup>A</sup> (hundreds of acres)		
	Active or temporarily inactive		Inactive		Abandoned		Totals					
	IP	PP	Phase II bond release	IP								
<b>STATE and PRIVATE LANDS                      REGULATORY AUTHORITY: STATE</b>												
Surface mines	37		10		8	19	8	66		10.00	257.00	267.00
Underground mines			1				1			.50		0.50
Other facilities	1						1			.30		0.30
<b>Subtotals</b>		<b>38</b>		<b>11</b>	<b>8</b>	<b>19</b>	<b>8</b>	<b>68</b>		<b>10.00</b>	<b>257.80</b>	<b>267.80</b>
<b>FEDERAL LANDS    REGULATORY AUTHORITY: STATE</b>												
Surface mines	12				1		13			73.00		73.00
Underground mines	1						1			2.00		2.00
Other facilities							1			.30		.30
<b>Subtotals</b>		<b>13</b>				<b>1</b>		<b>14</b>		<b>75.00</b>	<b>75.00</b>	
<b>ALL LANDS <sup>B</sup></b>												
Surface mines	49		10		8	20	8	79		10.00	330.00	340.00
Underground mines	1		1				2			2.50		2.50
Other facilities	1						1			.30		.30
<b>Totals</b>		<b>51</b>		<b>11</b>	<b>8</b>	<b>21</b>	<b>8</b>	<b>82</b>		<b>10.00</b>	<b>332.80</b>	<b>342.80</b>
<b>Average number of permits per inspectable unit (excluding exploration sites) . . . . .</b>											<u>1</u>	
<b>Average number of acres per inspectable unit (excluding exploration sites) . . . . .</b>											<u>380</u>	
Number of exploration permits on State and private lands: <u>1</u> On Federal lands: <u>0</u> C										C		
Number of exploration notices on State and private lands: <u>0</u> On Federal lands: <u>0</u> C										C		
<sup>I</sup> P : Initial regulatory program sites. <sup>P</sup> P : Permanent regulatory program sites. <sup>A</sup> When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land. <sup>B</sup> 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. <sup>C</sup> 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. <sup>D</sup> 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 (As of September 30, 2000)												
Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres <sup>A</sup>	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	2	1	676	0	0	0	0	0	0	2	1	676
Renewals	3	3	787	1	1	228	0	0	0	4	4	1,015
Incidental boundary revisions	0	4	403	0	0		0	0	0	0	4	403
Revisions (exclusive of incidental boundary revisions)	0	31		0	0		0	0		0	31	
Transfers, sales and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	0	0		0	0		0	0		0	0	
Exploration notices <sup>B</sup>	0	0		0	0		0	0		0	0	
<b>Totals</b>	<b>5</b>	<b>39</b>	<b>1,866</b>	<b>1</b>	<b>1</b>	<b>228</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>40</b>	<b>2,094</b>

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

<sup>A</sup> Includes only the number of acres of proposed surface disturbance.

<sup>B</sup> State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

**TABLE 3A**

<b>STATE OF OKLAHOMA - INSPECTION ACTIVITY OCTOBER 1, 1999 THRU SEPTEMBER 30, 2000</b>		
<b>NUMBER OF INSPECTIONS CONDUCTED ON INSPECTABLE UNITS</b>		
<b>INSPECTABLE UNITS</b>	<b>PARTIALS</b>	<b>COMPLETES</b>
ACTIVE *	365	180
INACTIVE	13	19
ABANDONED *	157	110
IN-RECLAMATION	27	46
EXPLORATION	4	8
TOTAL	566	363

\*As defined by the Oklahoma Regulations

**TABLE 4**

<b>OFF-SITE IMPACTS</b>														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting													
	Land Stability													
	Hydrology	7			1	1		1	3	1				
	Encroachment	1			1									
	Other													
	Total	8				2	1		1	3	1			
<b>OFF-SITE IMPACTS ON BOND FORFEITURE SITES</b>														
RESOURCES AFFECTED			People			Land			Water			Structures		
DEGREE OF IMPACT			minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total	0	0	0	0	0	0	0	0	0	0	0	0	0

The objective of this Table is to report all off-site impacts identified in a State regardless of the source of the information. Report the degree of impact under each resource that was affected by each type of impact. Refer to guidelines in Directive REG-8 for determining degree 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 necessarily add horizontally to equal the total number for each type of impact. As provided by the Table, report impacts identified on bond forfeiture sites separately from impacts identified on other sites. If bond forfeitures sites were not evaluated during the period, clearly note the table to indicate that fact. Impacts related to mine subsidence or other areas where impacts are not prohibited are not included in this table. **Refer to report narrative for complete explanation and evaluation of the information provided by this table.**

**TABLE 5**

<b>ANNUAL STATE MINING AND RECLAMATION RESULTS</b>		
<b>Bond release phase</b>	<b>Applicable performance standard</b>	<b>Acreage released during this evaluation period</b>
Phase I	'Approximate original contour restored 'Topsoil or approved alternative replaced	705.81
Phase II	'Surface stability 'Establishment of vegetation	1172.31
Phase III	'Post-mining land use/productivity restored 'Successful permanent vegetation 'Groundwater recharge, quality and quantity restored 'Surface water quality and quantity restored	1385.93
	<b>Bonded Acreage Status<sup>A</sup></b>	
	Total number of bonded acres at end of last review period (September 30, 1999) <sup>B</sup>	34829.37
	Total number of acres bonded during this evaluation year	2094.00
	Number of acres bonded during this evaluation year that are considered remining, if available	0.00
	Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7).	0.00
<p><sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.</p> <p><sup>B</sup> Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).</p> <p>**Includes undisturbed acreage releases.</p>		



**TABLE 6**  
**SUMMARY OF**  
**MINING AND RECLAMATION RESULTS**  
**October 1, 1999 to September 30, 2000**

Reclamation Activity	Acreage
Backfilled/Graded to AOC and drainage reestablished	2,169.40
Topsoil Replaced	878.00
Vegetation Reestablished	2,595.67

Reclaimed Land Use	Acreage	Reclaimed Land Use	Acreage
Cropland	23.20	Developed Water Resources	158.73
Pasture/Hayland	2,527.07	Public Utilities	
Grazingland	15.9	Industrial/Commercial	79.90
Forestry		Recreation	
Residential		Remined	
Fish and Wildlife Habitat	2.5	Undisturbed	2,807.30
Undeveloped		Other: Road	11.40

Crop Production	Yield	% Orig Yield	Crop Production	Yield	%Orig Yield
Corn (bu/ac)			Hay (lb/ac)	3,800	110%
Beans (bu/ac)			Other		
Wheat (bu/ac)	41	157%	Other		

Cover Type	% Cover/Stem/Ac	Cover Type	% Cover/Stem/Ac
Forest		Industrial/Commercial	
Fish and Wildlife Habitat		Recreation	
Grazingland		Remined	
Residential		Other	

**TABLE 7**

<b>STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)</b>			
	<b>Sites</b>	<b>Dollars</b>	<b>Acres</b>
Bonds forfeited as of September 30, 1999	8	\$487,000	1,340
Bonds forfeited during EY-2000	0	\$0	0
Forfeited bonds collected as September 30, 1999	8	\$487,000	1,340
Forfeited bonds collected during EY-2000	0	\$0	0
Forfeiture sites reclaimed during EY-2000	0	\$0	0
Forfeiture sites repermited during EY-2000	0	\$0	0
Forfeiture sites unreclaimed as of September 30, 2000	8	\$487,000	1,340
Excess reclamation costs recovered from permittee	0	\$0	0
Excess forfeiture proceeds returned to permittee	0	\$0	0
<p><sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date.</p> <p><sup>B</sup> Cost of reclamation, excluding general administrative expenses.</p>			

**TABLE 8**

<b>OKLAHOMA STAFFING</b> <b>(Full-time equivalents at end of evaluation year)</b>	
<b>Function</b>	<b>EY-2000</b>
Regulatory program	
Permit review .....	4.85
Inspection .....	11.20
Other (administrative, fiscal, personnel, etc.) .....	12.95
Sub-total	29.00
AML Program	6.00
<b>TOTAL</b>	<b>35.00</b>

**TABLE 9**

<b>FUNDS GRANTED TO OKLAHOMA BY OSM</b>			
<b>Type of grant</b>		<b>Federal funds awarded</b>	<b>Federal funding as a percentage of total program costs</b>
Regulatory	Federal Lands		55.97%
	Administration and enforcement	\$899,245.00	
	Small operator assistance	\$0.00	100%
<b>Regulatory Totals</b>		\$899,245.00	
AMLR	Administration and construction	\$1,707,924.00	100%
<b>AMLR Total</b>		\$1,707,924.00	
<b>Total Regulatory and AMLR</b>		\$2,607,169.00	

**TABLE 10**

<p align="center"><b>ABANDONED MINE LAND RECLAMATION NEEDS AND ACCOMPLISHMENTS SINCE PROGRAM APPROVAL</b></p>							
<p align="center"><b>Problem nature</b></p>	<p align="center"><b>Unit</b></p>	<p align="center"><b>Coal-related problems</b></p>				<p align="center"><b>Noncoal-related problems</b></p>	
		<p align="center"><b>Abatement status</b></p>			<p align="center"><b>Total</b></p>	<p align="center"><b>Abatement status</b></p>	
		<p align="center"><b>Unfunded</b></p>	<p align="center"><b>Funded</b></p>	<p align="center"><b>Completed</b></p>		<p align="center"><b>Funded</b></p>	<p align="center"><b>Completed</b></p>
<p><b>Priority 1 &amp; 2 (Protection of public health, safety, and general welfare)</b></p>							
Clogged streams	Miles	.8	0	12.2	13.0		
Clogged stream lands	Acres	143.3	0	0	143.3		
Dangerous highwalls	Lin Feet	844,731.0	13,600.0	199,849.0	1,058,180.0		
Dangerous impoundments	Count	2.0	0	0	2.0		
Dangerous piles and	Acres	773.0	0	0	773.0		
Dangerous slides	Acres	0	0	0	0		
Gases: hazardous/explosive	Count	0	0	0	0		
Underground mine fires	Acres	0	0	0	0		
Hazardous equip. & facilities	Count	15.0	0	18.0	33.0		
Hazardous water bodies	Count	523.0	7.0	163.0	693.0		
Industrial/residential waste	Acres	43.0	0	7.1	50.1		
Portals	Count	90.0	0	172.0	262.0		
Polluted water: agric. & indust.	Count	4.0	0	3.0	7.0		
Polluted water: human	Count	8.0	0	2.0	10.0		
Subsidence	Acres	103.5	0	13.2	116.7		
Surface burning	Acres	0	0	0	0		
Vertical opening	Count	34.0	0	114.0	148.0		
<p><b>Priority 3 (Environmental restoration)</b></p>							
Spoil areas	Acres						
Benches	Acres						
Pits	Acres						
Gob piles	Acres						
Slurry ponds	Acres						
Haul roads	Acres						
Mine openings	Count						
Slumps	Acres						
Highwalls	Lin Feet						
Equipment/facilities	Count						
Industrial/residential waste	Acres						
Water problems	Gal/min						
Other							

## **Appendix B: State Comments on Report**