OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report

for the

Program

Administered by the State

of

OHIO

for

Evaluation Year 1997

(October 1, 1996 to September 30, 1997)

FINAL
December 1997

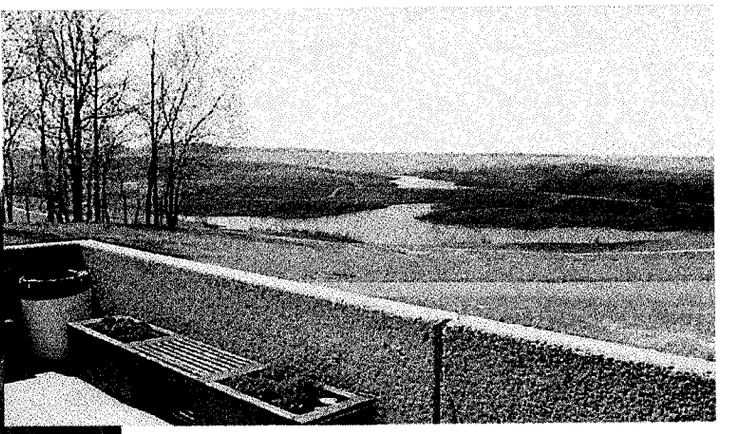
R & F Coal Co.

B & N Coal Inc.

Southern Ohio Coal Co.

Ohio Nominees for the 1997 OSM Reclamation Awards

Marietta Coal Co.



Central Ohio Coal Co.

December 1997

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (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 OSM has approved as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Ohio Program and the effectiveness of the Ohio Program 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. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Columbus OSM Office.

The following acronyms are used in this report:

ABS	Alternative Bonding System
ACSI	Appalachian Clean Streams Initiative
AMD	Acid mine drainage
AML	Abandoned mine land
AMLIS	Abandoned Mine Land Information System
EPA	Environmental Protection Agency
EY	Evaluation Year
Ohio	Division of Mines and Reclamation
OSM	Office of Surface Mining Reclamation and Enforcement
QMR	Quarterly Water Monitoring Report
SMCRA	Surface Mining Control and Reclamation Act
SOAP	Small Operator's Assistance Program
TINA	Temporary Inactive Status
VER	Valid Existing Rights

II. Overview of the Ohio Coal Mining Industry

Ohio's mining industry experienced an unexpected increase in coal production during 1996. Fifty-two companies produced 28.3 million tons of coal, a production increase of 10.9 percent over 1995 production. A total of 28.6 million tons of coal were sold in Ohio in 1996, with a total value of $728 million. The average price per ton of coal was $25.43, a slight decrease from the 1995 average of $26.49. Surface-mined coal averaged $24.74 per ton ($24.28 in 1995), while underground-mined coal averaged $25.93 per ton ($28.60 in 1995).

The number of coal-producing companies in Ohio in 1996 decreased by eleven, and the number of producing mines declined from 151 to 134. During 1996, surface mining operations (124 mines) produced 42.8 percent of the coal, compared to 48.8 percent in 1995. Underground mining (ten mines) produced 57.2 percent, compared to 51.2 percent in 1995. Longwall mining accounted for 75.2 percent of the total underground production. Increased production from underground mines continues a trend started in 1995, by exceeding coal produced by surface mining methods.

The Ohio coal industry employed 3448 people in 1996, down from 3548 in 1995. Production employees were 55 percent (1914) of the 1996 coal work force. Wages earned by all coal industry employees in 1996 totaled more than $156.6 million.

Ohio ranked eleventh of the 25 coal-producing States in the nation, and produced 2.7 percent of the nation's coal in 1996. Ohio ranked third nationally in coal consumption, behind Texas and Indiana.

(Data sources: Ohio Geological Survey, 1996 Report on Ohio Mineral Industries)

Industry and Citizen Awards and Nominations

The Ohio Division of Mines and Reclamation (Ohio) nominated six sites reclaimed by six mining companies for OSM Excellence in Surface Mining Awards in 1997. The nominated sites were mined and reclaimed by R & F Coal Company, Central Ohio Coal Company, B & N Coal Company, Peabody Coal Company, Southern Ohio Coal Company, and Marietta Coal Company. R & F Coal Company's Cheslock-Hendershot mine was awarded a 1997 OSM Hall Of Fame Award for excellent reclamation that has stood the test of time.

In addition, one nomination for a citizen award was submitted to OSM. Mr. Jeffery Anderle was nominated by R & F Coal Company for OSM's SMCRA 20th Anniversary Coalfield Citizen Award in the Appalachian Region.

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

As reported in previous annual reports, Ohio has continued several efforts to keep the public well informed of activities related to mining, in addition to the routine public participation opportunities specified in the Ohio program. Ohio is continuing to develop a guide for citizens concerning all of the public participation opportunities that exist and the public's rights concerning mining and reclamation. OSM helped Ohio edit the draft citizen guide during 1996. Ohio has incorporated excerpts from the draft citizen guide into its newly-created Internet web page.

Beyond Ohio's outreach efforts, OSM maintains a mailing list of interested persons, including representatives of industry, environmental, and citizen groups. OSM also prepares a monthly newsletter that is published in the Ohio Mining and Reclamation Association's newsletter. The newsletter provides information on current activities of the agency. OSM also meets with interested persons or groups, upon request, to discuss individual concerns or program-wide concerns.

OSM and Ohio met twice with a group of mining industry representatives to exchange information and to obtain feedback on program implementation and policy of Ohio and OSM.

Ohio and OSM continued to work together to organize and support development of local watershed groups in support of the Appalachian Clean Streams Initiative (ACSI). OSM and Ohio continued to support activities of the Monday Creek Restoration Project, the Raccoon Creek Improvement Committee, the Huff Run Watershed Committee, and the Moxahala Creek Reclamation Project by attending meetings of these organizations. OSM and Ohio are also participating in an inter-agency group for Kimble Creek.

OSM and Ohio participated in meetings, including a three-way, video tele-conference with Secretary of Interior Babbitt, OSM Acting Director Henry, and the Ohio Mineland Partnership, to exchange information concerning reclamation of abandoned mine lands. The Ohio Mineland Partnership is a citizen's group seeking more funding for AML reclamation. Ohio updated the group on Ohio's ACSI projects. OSM provided general information on ACSI and OSM's Remining for Real initiative.

The Mine Subsidence Insurance Governing Board, in cooperation with Ohio Department of Natural Resources, has undertaken an educational outreach program. The goal of this program is to educate individuals, groups, and government agencies concerning the potential building problems associated with underground mines for a 37-county area in Ohio. The Mine Subsidence Educational Outreach Program includes a brochure and slide presentation, mass mailings, and ten public meetings. The outreach program began in April of 1997, and will conclude December 31, 1997. Ohio coordinates with the Mine Subsidence Insurance

Underwriters Association on all complaint investigations related to mine subsidence to better serve the homeowners in Ohio.

A new group, Friends of Dysart Woods, formed in 1997 in an effort to protect Dysart Woods from impacts from a proposed longwall mining operation. Dysart Woods is a 456-acre tract of land owned by Ohio University. Approximately 55 acres of this tract contain a virgin, primeval white oak forest. It has never been disturbed and has trees more than 300 years old, with some trees exceeding four feet in diameter and 120 feet in height. The U.S. Department of Interior, National Park Service designated the area as a National Natural Landmark in 1967, and has stated that "the white oak unit is probably without parallel in the United States today." Ohio recently issued one permit that is approximately 1.75 miles away, and is currently considering a second permit application to mine in closer vicinity (up to 1800 feet) of the property that contains the woods. Opponents to the mining fear that longwall mining will impact the hydrologic balance and cause harm to the trees in Dysart Woods. Ohio Valley Coal Company indicates that past experience and scientific research have found no correlation that longwall mining impacts vegetation, including trees. Ohio Valley Coal Company has committed not to mine under or near the trees if research indicates a risk to the trees. Ohio has not made a decision on the second permit application.

Buckeye Forest Council has continued its opposition to OSM's granting of valid existing rights (VER) to Buckingham Mining Company to mine a 25-acre tract in the Wayne National Forest. Buckingham Coal Company filed an intent to sue OSM for not making a decision on its 1995 request for VER. OSM expects to issue a decision before the end of 1997. Buckeye Forest Council has also expressed interest in other program areas, including Ohio's process for evaluating stream buffer zone variance requests and Ohio's inspection and enforcement program.

IV. Major Accomplishments/Issues/Innovations in the Ohio Program

A. Program Accomplishments and Initiatives

On-the-Ground Accomplishments

Ohio continues to effectively administer SMCRA regulatory and AML programs to protect coalfield citizens and to restore land to pre-mining conditions. Overall compliance on active mine sites continues at a high level. The end-result of the mining and reclamation process is generally excellent restoration of mined lands due to the mining industry's use of effective mining and reclamation practices. OSM's evaluation revealed that, although impacts to areas outside of the permitted area do result from mining, nearly all of the identified impacts were minor and most were related to hydrology. OSM's general observations of the on-the-ground accomplishments are based on OSM's experience with mining and reclamation in Ohio. These observations are supported by findings from 232 OSM site visits and inspections and other oversight evaluations conducted during the period.

During the Evaluation Year (EY) period of October 1, 1996, through September 30, 1997, the Ohio mining industry, in conjunction with Ohio, achieved final reclamation (Phase III bond release) on 10,524.6 acres; established soil replacement and vegetation for Phase II bond release on 7884.2 acres; and backfilled and graded mining areas for Phase I bond release on 5213.6 acres. Through surety companies or contractors, Ohio substantially completed reclamation through the bond forfeiture process on 22 permits covering approximately 1787 acres.

The Ohio AML program continues to abate problems related to abandoned mines through its emergency and regular AML programs. Ohio declared 33 emergencies during this EY, compared to 35 in EY 96 and 22 in EY 95. Of the 33, Ohio later determined that four were not emergencies, as a result of geo-technical investigations conducted during the design process. As was the case last year, OSM supported all Ohio emergency requests, due to continued good communication between Ohio and OSM. Ohio also completed two designs under the emergency program for high priority projects that it will construct as part of its normal AML program. In addition to these activities, Ohio worked with the mine subsidence insurance board to publish pamphlets and meet with municipalities to encourage zoning restrictions and other preventative measures to avoid development over subsidence-prone areas. Ohio reported the following accomplishments in the Abandoned Mine Land Inventory System (AMLIS): 13 miles of clogged streams restored; 147.3 acres of clogged stream lands reclaimed; 4677 feet of dangerous highwall eliminated; 14.1 acres of dangerous landslides stabilized; two hazardous facilities reclaimed; five vertical openings reclaimed; 13 mine portals sealed; 1.6 acres of subsidence stabilized; six water supply replacements; 15 acres of refuse reclaimed; and one dangerous mine gas project completed.

Ohio, through a letter from the Governor's Office, requested OSM's approval to fund a high priority non-coal project. The project was initiated by a near-fatal accident involving a man who drove an all terrain vehicle into a 40-foot deep subsidence hole over an abandoned underground limestone mine. The project will be funded from the FY97 AML grant.

Management of the Inspection Program

Ohio has improved management and reporting of its inspection activity to effectively direct inspection resources to achieve program responsibilities. Ohio now provides monthly and quarterly management reports on the inspection activity on each permit to its district managers and OSM. This process is intended to direct inspection resources to sites needing inspection. Ohio also has a priority system that directs inspectors to visit the most critical sites before looking at sites with lesser priority. Ohio has implemented the abandoned and inactive site provisions of its program to reduce the required number of inspections. See Section VII of this report for more information on this program area.

SOAP Contracts - Pre-Blast Survey Procedures

Ohio implemented changes to its Small Operator's Assistance Program (SOAP), as authorized by changes to SMCRA, that allow pre-blast surveys to qualify as a SOAP expenditure. Ohio developed specifications for pre-blast surveys under the SOAP program. Ohio reviewed cost estimates for pre-blast surveys throughout the mining industry by contacting numerous consultants who conduct surveys. Ohio determined that, since payment of SOAP funds was through the state contracting process, there should be specifications for the product, even though there were no statutory specifications associated with pre-blast surveys. Ohio's blasting expert developed survey specifications to provide dwelling owners and the mining industry with a thorough pre-blast survey. Ohio developed a maximum cost estimate for payment for surveys that meet the required specifications. The specifications and estimated costs provide for standardization in quality and the maximum cost for each survey conducted.

Ohio also developed a method of payment to only pay for those surveys that are actually conducted, instead of providing a lump sum for all potential surveys that could be requested (all dwellings within 1/2 mile of the blast site). To avoid developing separate contracts for each survey that is requested, contracts provide for supplemental payments as surveys are completed.

This SOAP contracting process is significantly revised from prior practice. It provides the following advantages: payment is made only for services completed and reviewed for accuracy; it provides minimum specifications for pre-blast surveys; and it modifies contracting service to reduce administrative burdens.

Remining Initiative

OSM continued to work closely with Ohio as a member of Ohio's Remining Committee. The committee achieved several objectives during EY 97.

Ohio received OSM's approval of a program amendment to revise rules for remined areas to establish provisions for unanticipated events, reduce the revegetation liability period, lower revegetation standards, and waive yield requirements. Ohio's rules were effective on March 31, 1997. The Committee drafted implementation policy for the new rules and received comments on the draft policy. They expect to issue the policy before the end of 1997.

Ohio also received OSM's approval on an amendment to the Ohio AML Plan. As an innovative incentive for remining, the amendment provides for the use of AML funds to develop background hydrology information for use by companies planning to remine in target watersheds impacted by acid mine drainage (AMD). The Committee is considering additional program changes that will further encourage remining.

Ohio issued an AML contract to a coal operator to remine a portion of an abandoned underground mine and seal the mine using a coal combustion by-product. The abandoned mine was producing AMD and polluting a stream on a public wildlife area. The project is currently under construction, with completion expected by the end of 1997. Preliminary information shows that, while there is still some seepage, the pH has increased significantly. Ohio University is conducting long-term monitoring of the project. Success of this project could provide a use for a coal combustion by-product that is beneficial for reducing AMD discharges from abandoned underground mines. This project may also demonstrate the success of allowing coal removal necessary to address an AML problem through AML contracting with a coal mine operator.

Ohio revised internal policy to reduce the number of sampling points necessary for determining modified effluent limits for pollution abatement areas. The policy revision provides for upstream and downstream sampling to demonstrate pollution loading of streams impacted by abandoned mine lands.

Appalachian Clean Streams Initiative (ACSI)

Ohio continues to actively participate in this initiative to focus more attention and resources on cleaning up sources of AMD from abandoned mines that are polluting streams. Ohio continues to support and successfully encourage organization of local watershed groups that want to participate in efforts to clean up streams impacted by AMD. The first acid mine drainage (AMD) projects under this initiative were designed during EY 97. The following milestones were achieved during EY 97:

- Ohio formally submitted its program amendment for its AMD Set-Aside Program on March 19, 1996. OSM approved the amendment on March 26, 1997.

- The Monday Creek Restoration Project and the Raccoon Creek Improvement Committee received grants of $300,000 each from the Ohio Environmental Protection Agency (EPA) 319 program. The Monday Creek Restoration Project has developed a partnership of 15 local, State, and Federal government agencies, universities, environmental groups, industry, and local citizens working to improve the quality of Monday Creek. The initial project, the Rock Run Gob Pile, is 25 acres of coal refuse and slurry contributing acidic water to a tributary to Monday Creek. Design work was completed in October 1997, and construction is expected to begin in 1998. Ohio is planning several other projects, including the Happy Hollow project submitted for ACSI funding in 1998.

- Ohio is continuing to assist the Raccoon Creek Improvement Committee with stream monitoring in the Raccoon Creek basin. Ohio plans to construct the Buckeye Furnace AML project in 1998. This project, located in the Raccoon Creek watershed, will address an abandoned preparation plant and coal refuse disposal area that are producing AMD. The Raccoon Creek Improvement Committee also submitted a 1998 ACSI proposal for installing a successive, alkalinity-producing system in conjunction with the Buckeye Furnace project.

- In the past year, a new group formed for the Wills Creek area to address AMD impacts to the Wills Creek Reservoir. Ohio submitted a 1998 ACSI proposal for cost sharing with the U.S. Army Corps of Engineers on a project to abate AMD from a deep mine and refuse pile on the north side of Wills Creek Reservoir. American Electric Power is also conducting a mine-grouting project on a small drift mine that drains to Wills Creek. They are doing this work, under a grant from the Ohio Coal Development Office, to demonstrate the beneficial use of power plant scrubber sludge in abating AMD. Ohio and OSM are partners in this project along, with several other entities.

- The Huff Run Watershed Restoration Partnership, which continued to monitor the watershed, has received a $15,000 grant from the Ohio EPA to develop a watershed plan. Ohio has issued a contract for the reclamation of a 50-acre abandoned strip mine in the watershed, and is also working with a mine operator to develop AMD abatement projects adjacent to the mining operation. The group has requested 1998 ACSI funding for a wetland treatment system for a large AMD discharge.

- The Moxahala Reclamation Project is an offshoot of an existing watershed group that has expanded its interest from flood control to abating AMD and improving water quality in general. Ohio and OSM participated in a reclamation tour of the Moxahala Creek watershed in September 1997.

- An inter-agency group has formed to work on the Kimble Creek/Pine Creek watershed. The group collected monthly samples for ten months at ten sites and has scheduled drilling of an unmapped deep mine in order to determine an abatement strategy.

- Ohio and OSM will continue to generate local interest in the ACSI program and to partner with those interested in cleaning up streams impacted by AMD. OSM and Ohio expect that once a few on-the-ground successes are achieved, interest will increase rapidly in other areas of the State, necessitating increased funding of such projects.

Contemporaneous Reclamation

Based on past oversight findings, Ohio assigned a coordinator to work with the inspection staff on addressing sites that have not received a phase II bond release, even though mining has been completed for more than two years. In August 1996, Ohio had 119 permits, on which mining had been completed for over two years, that had not been granted a phase II bond release. In August 1997, the number of sites was reduced to 52 permits. Although additional work remains to get all of the older sites eligible for release, Ohio eliminated 56 percent of the older sites over the last year. They continue to reduce the number on the list. Ohio is also considering management approaches that may prevent the same problem from reoccurring in the future. See further discussion on this topic in Section VII.

Bond Forfeiture Reclamation

Ohio dramatically reduced the backlog of unreclaimed bond forfeiture permits during the past year. Through a combination of re-permitting, conventional bidding procedures, and contracting with landowners and nearby coal operators, the number of unreclaimed, permanent program forfeited permits dropped to nine permits, with an additional four permanent program permits requiring maintenance work following reclamation. The success of the forfeiture reclamation program is attributable to Ohio's aggressive pursuit of opportunities to complete reclamation by any combination of these processes. With only thirteen permits needing reclamation work, Ohio is at the lowest level since the early 1990's, when approximately 36 forfeited permits required reclamation.

Administrative Processing of Bond Releases

Ohio, with OSM's assistance, implemented an electronic bond management system in January 1997. At the time of implementation, the average time to administratively process a bond release after the field staff approved the release was three months, with the range being one day to one year. At present, the administrative processing time has been reduced to less than one week. Releases are usually processed less than one day after the end of the public comment period.

B. Program Issues

Landslides

In the EY 96 evaluation period, OSM evaluated the effectiveness of landslide repair on Ohio permits. DMR reviewed the study report and agreed with the finding and recommendation presented. The recommendation in the report was for Ohio to establish guidelines for landslide stabilization and repair. Ohio began efforts with OSM to develop guidelines in February of 1997. However, Ohio discontinued those efforts before guidelines could be developed, due to other priorities of the engineering staff. Ohio has committed to re-initiate those efforts with OSM in EY 98.

Stream Buffer Zone Guidelines

In the 1996 Annual Report, OSM reported the results of an oversight evaluation on Ohio's implementation of the regulations regarding stream buffer zones. OSM's 1996 oversight evaluation concluded that mine operators were submitting and Ohio was approving non-specific buffer zone requests, resulting in some small streams being affected unnecessarily by mining. OSM recommended that Ohio establish criteria for permit applicants and Ohio permitting review personnel to use in submitting and evaluating a buffer zone variance request. The criteria should outline the specific information an applicant should submit to demonstrate the need for conducting mining activities within a buffer zone. It should also show that the applicant and Ohio have considered what, if any, alternatives exist. Variances should include specific conditions that only allow the occurrence of specific mining activities that are absolutely necessary within specific portions of the buffer zone.

Ohio agreed to address the findings from this evaluation through a team, with representation from DMR, industry, consultants, and OSM. The team met during 1997 and developed some preliminary draft guidelines for reviewing stream buffer zone requests. The guidelines have not been finalized, due to other issues related to streams, but unrelated to the findings from OSM's evaluation. The team intends to continue development of the guidelines before the end of 1997.

Alternative Bonding System

OSM conditionally approved Ohio's regulatory program on August 10, 1982. One program condition remains from that approval. The condition is that Ohio must demonstrate how the Alternative Bonding System (ABS) will assure timely reclamation at the site of all operations for which bond has been forfeited. OSM identified Ohio program deficiencies for not completing forfeiture reclamation in a timely manner and for having insufficient funds in the ABS to complete reclamation on existing bond forfeiture permits in a timely manner.

OSM and Ohio have made several attempts to solve this matter over the years. In 1993, Ohio conducted a financial solvency study of its bonding program. The recommendations of the actuarial study identified specific conditions which needed to be implemented to ensure long-term solvency of the ABS. Ohio and OSM formalized those conditions in a monitoring and improvement plan designed to collect and analyze the data needed to assess the financial solvency of the ABS. In addition, Ohio agreed to aggressively pursue completion of reclamation on the backlog of 25 forfeited permits.

During 1996 and 1997, Ohio and OSM met periodically to review Ohio's action toward eliminating the backlog of forfeitures; to assess the critical elements of the monitoring plan to ensure solvency of the ABS; and to revise the monitoring plan to reflect changes needed as a result of Ohio's implementation of the recommendations of the actuarial study.

Ohio has made progress in eliminating the backlog of unreclaimed forfeiture sites that existed when the monitoring and improvement plan was developed in 1994. As reported elsewhere in this report, forfeited sites that were not on the 1994 list have also been reclaimed. At the end of the evaluation period, Ohio had 21 of the original 25 permits identified in 1994 either completed or under construction. Three of the remaining four permits were actively being re-permitted and the fourth site was being designed. This fourth site should be under construction by early 1998. Ohio indicates that if any of the three sites being re-permitted are not re-permitted, they will act to reclaim the sites during 1998.

AML Construction Management

OSM reviewed the productivity of Ohio's regular AML program for the standard construction management processes regarding design and construction activity. Ohio completed 24 designs during the evaluation period, compared to 11 over the last 12-month evaluation period. Ohio bid 20 contracts during the evaluation period and issued 19 contracts, compared to 23 for the last 12-month period. However, the dollar amount of the 19 contracts was over three million dollars, compared to 1.4 million dollars in the previous year. Ohio substantially completed reclamation on ten projects during the review period.

These figures show increased productivity in design and contracting. This is noteworthy, since this shows a reversal of the downward trend in productivity noted in last year's report. However, there is still a large backlog of pending projects. Design and contracting remain as program areas that delay project construction.

Ohio started to evaluate causes of the decrease in productivity in October 1996. They have implemented changes, with renewed emphasis on priorities and accountability, that have improved productivity in the design process. This has allowed construction of more projects during 1997. Ohio intends to continue to seek ways to increase their AML program productivity.

Hydrology

Previous oversight studies in EY 93 and EY 94 identified several issues relating to the review of mine site hydrology. Two of these issues have not been resolved. These issues include Ohio's method of establishing seasonal variations and the approval of permits with only general descriptions of toxic material handling plans unrelated to site-specific conditions. Ohio has made progress in resolving the other program issues identified by OSM, such as collecting quarterly monitoring data in a database; more closely evaluating requests to discontinue monitoring; and continuing to develop quality assurance and control procedures for processing samples. However, the more complex issues remain under discussion for final resolution.

OSM oversight reports during the last two evaluation periods identified that Ohio does not effectively use the available water monitoring data when evaluating bond releases and investigating citizen complaints. Ohio discontinued entering quarterly water monitoring reports (QMR) in their databases in mid-1996, even though Ohio originally entered QMR into a computer application for use in hydrologic analysis. The lack of an easily retrievable data system impedes the ability of inspectors to analyze QMR during bond release reviews. At present, Ohio uses QMR and other hydrologic information on an as-needed basis to resolve immediate issues.

During the next evaluation period, Ohio plans to address the issue on seasonal variations through a problem-solving team with representatives from the Ohio permitting staff, consultants, industry, and OSM. Ohio committed to issue policy to address quality assurance and controls for collecting and analyzing water samples. Other issues which Ohio wants to resolve include: development of standard methods for using acid-base accounting when assessing potential hydrologic impacts caused by mining and disposal of coal refuse in backfill areas; and development of guidance for permitting staff when evaluating disposal of toxic materials, including toxic overburden.

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, OSM is collecting the findings from performance standard evaluations for a national perspective in terms of the number and extent of observed off-site impacts and the number of mined and reclaimed acres that meet the bond release requirements for the various phases of reclamation. Individual topic reports that provide additional details on how OSM conducted the following evaluations and measurements are available in the Columbus OSM Office.

A. Off-Site Impacts

During the EY 97 evaluation period, OSM collected information on the number, type, and severity of off-site impacts resulting from mining operations. OSM used this information to measure the effectiveness of the Ohio mining program in protecting the environment and the public adjacent to mining operations. The goal of this measurement is for States and OSM to reduce the occurrence of off-site impacts. OSM identified off-site impacts by reviewing State enforcement actions; citizen complaints received by Ohio and OSM; and by conducting oversight inspections that focused on evaluating impacts that may have occurred outside the areas authorized for mining and reclamation activities. This year's study identified 24 off-site impacts, 23 of which were considered as having minor impacts. Thirteen of the impacts identified affected hydrologic resources, with acid water discharges the most prevalent. Eight of the 24 impacts were encroachments of mining activities onto areas outside of the approved permit area. Table 4 provides a distribution of the types of impacts and the affected resources.

The results from this year's off-site evaluation combined with the results from the EY 96 off-site evaluation identified a need for Ohio to evaluate permits with acid water accumulations. The combined number of acid water accumulations on active permits may be the result of improper treatment methods or systems, or acid and toxic material handling plans that are not followed or are ineffective. Ohio plans to take steps to minimize instances of acid water accumulation on active permits in 1998 by improving acid material handling plans and continuing with efforts of the acid mine drainage team.

B. Bond Release

OSM reviewed selected aspects of Ohio's approval of bond releases as one measure of their success in administering the program. Data was collected from State inspection reports, the inspection database, and through a limited number of on-site inspections. On-site inspections were conducted on 42 segments released on 30 different permits. Table 5 in the Appendix tabulates information on bond releases processed by Ohio during the review period.

Ohio tripled the number of acres released for all phases when compared to the 1996 reporting period (7187 acres during 1996 and 23621 acres during 1997). This dramatic improvement is the result of Ohio's implementing contemporaneous reclamation requirements and improving administrative processing of bond releases.

With regard to the required performance standards, OSM found that, for the most part, Ohio is properly approving bond releases. The 42 bond release inspections conducted by OSM indicated that the operators of the sampled mine sites had properly restored the sites to the approximate original contour; had properly restored soil; had properly reestablished vegetation; and had achieved the post-mining land use.

In the 1996 annual report, OSM noted that Ohio was approving Phase III bond releases without a specific determination concerning restoration of ground water quality, quantity, or recharge capacity. During this evaluation period, OSM found one instance of an impact to the ground water regime after Ohio had approved the Phase III bond release. Ohio has agreed to develop and implement procedures that inspectors must use during the evaluation of each bond release so that impacts to both surface and ground water are evaluated prior to approval of bond releases.

VI. OSM Assistance

During the evaluation period, OSM participated in numerous assistance efforts with Ohio. The purpose of this assistance was to help Ohio more efficiently implement their program. Both OSM and Ohio found that working together cooperatively on teams to resolve problems has been positive and successful. Listed below are brief descriptions of the specific areas where OSM assisted Ohio this year.

ADP Assistance

OSM is providing data management reporting assistance to Ohio by developing computerized bond management and permit management systems. These initiatives began in June 1996, with Ohio requesting assistance from OSM. At that time, Ohio was using an outdated data management system to record bond deposits and releases. That system was to be discontinued in July 1997, with no identified replacement system available. In addition, that system could not produce routine bond status or compute bond liability. Ohio and OSM implemented a prototype system in January 1997. At the time of implementation, the average time to administratively process a bond release after the field staff approved the release was three months, with the range being one day to one year. At present, the administrative processing time is reduced to less than one week. Releases are usually processed within one day after the end of the public comment period. Development of a computerized data management and reporting system for construction contract bonds, bond forfeiture, and civil penalty activities is underway, with implementation expected by the end of 1997.

Computer programming work also continued this year in developing a computer-based permitting module for Ohio's ADP systems. This system will allow Ohio to track administrative as well as permit-specific information on Ohio's new permit applications. Additionally, OSM will pre-load the database with select historical information that has been collected and maintained in OSM's system since the interim program period. The program will be prototyped in early EY 98, and is expected to be fully operational by mid-EY 98.

Improving Implementation of Temporary Inactive (TINA) Provisions

OSM provided assistance with Ohio's own evaluation of implementation of the temporary inactive provision of the Ohio program. This provision allows a mining operation to temporarily delay total reclamation of a mine site, due to market conditions or other reasons, so that the mine may resume operations. Some sites have been temporarily inactive for very extended time periods with little or no activity.

Ohio's evaluation found that not all sites in TINA status were in compliance with the mining and reclamation plans and some performance standards. The evaluation also found that policy has not clearly identified specific mining and reclamation activities that would prevent a permit from being maintained in TINA status. In addition, Ohio has accepted repeated notification of temporary

cessation from operators and allowed sites to remain unreclaimed for many years, with limited consideration for minimizing the amount of unreclaimed area that is necessary to resume mining operations. TINA regulation and policy requires limited demonstration to show that mining is likely to resume, regardless of the length of time a permit is in TINA. Some inspectors are conducting inspections according to the minimum inspection requirements for sites in TINA status, instead of by site-specific conditions that may indicate a need for more frequent inspections.

To address the findings from this evaluation, Ohio plans to improve policy guidance for implementing the TINA provisions. Guidance will address levels of reclamation that must be completed; identify mining and reclamation activities that would prevent a permit from being eligible for TINA status; increase levels of internal review required and levels of reclamation required as the length of time increases; and reinforce inspection priorities to the inspection staff.

AMD Set-Aside Committee

The Ohio AMD Set-Aside Committee was formed to review candidate watersheds for AMD Set-Aside projects. The Committee is composed of members from State and Federal agencies and watershed groups. The Committee has established guidelines for the criteria needed for a watershed to become an approved hydrologic unit under the AMD Set-Aside program. Ohio has established an AMD Set-Aside Fund which presently has over one million dollars in it. OSM approved Ohio's set-aside program amendment on March 26, 1997.

AMD Prevention Team

During EY 96, Ohio and OSM were developing improved procedures for evaluating sites for the potential to produce post-mining AMD. The overall objective of this project was to evaluate the effectiveness of mine site inspection procedures in identifying the potential post-mining acid/toxic discharges as early as possible during the mining process. Activities for the AMD Task Force were very limited during EY 97. Follow-up activities were conducted on one of the sites identified on past AMD Team inspections. This site and the surrounding prelaw and interim program areas are producing AMD. The AMD Team, along with staff from the U.S. Department of Energy, conducted a geophysical investigation of the ground water regime on the area. Results of the investigation are still being compiled.

Annual Reporting

OSM is continuing to assist Ohio in considering changes to its annual mapping and reporting process. Changes under consideration will make the process more compatible with contemporaneous reclamation requirements. Ohio is evaluating rules and policies that may need changed to allow industry to obtain bond releases as reclamation is completed, instead of waiting until an area is designated for reclamation on an annual map and report.

QMR Hydrology Team

OSM is assisting Ohio in evaluating their quarterly water monitoring processes. Ohio established a team to evaluate the processes associated with selecting quarterly water monitoring sites, processing and storing quarterly water monitoring information, and using the quarterly water monitoring data submitted to and collected by DMR. This team's efforts are currently ongoing.

Citizens' Guide

OSM provided further assistance to Ohio in editing a citizens' guide to the Ohio mining program. This document will provide the citizens of Ohio with a concise reference that explains the mining and AML programs and their rights under the applicable laws and regulations of Ohio. Ohio has not yet finalized this document, but has included portions of the guide on its Internet web site.

Pond Design Team

Although there has been very little activity by this team during 1997, Ohio's Pond Design Team, comprised of Ohio, OSM, and industry representatives, plans to continue addressing changes to Ohio pond design policies. The team is working with a consultant from the University of Kentucky to develop standardized pond designs and good drainage control techniques that will, as demonstrated through computer modeling, meet effluent limits. The team intends to develop standard pond designs and information on good sediment control practices that will improve Ohio's sediment control practices.

Updating Ohio's Enforcement Manual

OSM assisted Ohio in editing and updating Ohio's enforcement manual. This manual is used as a reference by State inspectors when issuing enforcement actions. OSM will finish work on this manual in the early part of the EY 98 evaluation year. Ohio will distribute this manual to their field staff in an electronic format.

VII. General Oversight Topic Reviews

OSM Oversight Inspections

OSM conducted 67 inspections for general compliance monitoring on coal mine operations during the evaluation period. In addition, OSM conducted 56 inspections specifically for evaluating mining operations for possible off-site impacts, 29 inspections to evaluate bond releases approved by Ohio, and 43 other mine site visits associated with special studies or for other reasons. In addition, OSM conducted 26 inspections to monitor AML reclamation project construction and eleven inspections to evaluate potential AML emergencies or to monitor AML emergency project construction.

OSM received three citizen complaints. OSM inspections and citizen complaints resulted in six Ten-Day Notices (TDN), three as citizen complaint referrals and three to address site conditions on mine sites. OSM determined that Ohio's responses to three of the TDN's were appropriate. As of the end of the evaluation period, OSM had not made a final determination on the remaining three TDN's. OSM issued no Federal enforcement actions in Ohio during the evaluation period.

OSM's general compliance monitoring oversight inspections are conducted to provide OSM with general information as to how well Ohio is implementing its program by reviewing the on-the-ground impacts of mining operations. Of the 67 oversight inspections conducted, 29 were complete reviews of all performance standards and 38 inspections were more limited in scope. These inspections found that 58 percent of the mine sites evaluated were in compliance with all standards evaluated by OSM at the time of the OSM inspection. On sites that were not in compliance, Ohio issued 43 Notices of Violation on the 67 sites inspected by OSM, either prior to or on the date of the OSM inspection.

No new programmatic problem areas were identified as a result of this year's OSM inspections. Programmatic issues that remain from prior OSM oversight and inspections include repair of landslides, contemporaneous reclamation of sites where mining has been completed for more than two years, and evaluation of hydrologic impacts at the time of bond release.

The results of OSM inspections related to OSM special studies concerning bond release, contemporaneous reclamation, and off-site impacts are further discussed under separate topics elsewhere in this report.

Contemporaneous Reclamation and Timely Phase Releases

As a follow-up to past OSM oversight evaluations, OSM evaluated Ohio's progress in addressing one aspect of contemporaneous reclamation requirements. Ohio's program requires that operators take all efforts necessary to achieve bond release requirements as contemporaneously as practicable. OSM's evaluation this year focused on those sites where mining has been completed

for more than two years and the site has not yet received a phase II bond release. To provide insight into Ohio's progress in reducing reclamation liability on these permits, OSM compared the status at the beginning and end of this evaluation of permits where mining had been completed for more than two years and had not yet received a phase II bond release. In addition, OSM randomly selected a sample of 25 permits currently in an "active" status that had been finalized for more than two years. OSM conducted site visits on these sites to determine work necessary for each site to achieve all phases of bond release standards. OSM inspection results were used in conjunction with Ohio's internal status reporting as verification of the success of reducing reclamation liabilities and meeting contemporaneous reclamation requirements.

In August 1996, Ohio had 119 permits on which mining had been completed for over two years that had not been granted a phase II bond release. In August 1997, the number of sites was reduced to 52 permits. Although additional work remains to get all of the older sites eligible for release, Ohio eliminated 56 percent of the older sites over the last year and continues to reduce the number on the list.

OSM's evaluation found that, while Ohio has made progress in reducing the number of permits awaiting bond release as evidenced by the number of finalized permits meeting bond release standards, the rules and policy requiring completion of work necessary to achieve timely bond releases have not been fully implemented. OSM also found that Ohio has not initiated an effective process to monitor the reclamation status of all inspectable units to ensure that permits achieve bond releases in a timely manner.

OSM recommends that Ohio continue to focus attention on finalized permits to identify site conditions preventing bond release and, where appropriate, initiate action to correct conditions necessary to achieve bond release. In addition, Ohio should develop a more effective procedure to monitor sites that are potentially eligible for bond releases to ensure that inspectors and operators seek timely bond releases. Ohio is actively developing a reporting system that will provide tools to help staff better manage bond releases to ensure that they are obtained in a timely manner.

Response to Hydrology Complaints

OSM conducted a study of Ohio's water supply complaint investigations. This study was a result of findings in the previous year's evaluation of off-site impacts concerning the large number of outstanding water supply complaints. The study found that, while Ohio is taking steps to reduce the complaint investigation backlog, a significant backlog still exists. The study also found that the tracking and filing systems were poorly organized and maintained to the degree that an exact number of outstanding complaints could not be determined. OSM recommends that these systems be revised and maintained in addition to Ohio's efforts to reduce the backlog. OSM will follow-up on the findings from this study in the coming year.

Inspection Program

In December 1996, OSM completed an evaluation and report in response to a request to review Ohio's Program relative to its ability to conduct the required number of inspections. This report concluded that Ohio "has adequate inspection staffing resources to carry out the mandated inspections of the Ohio Program, especially in light of the declining workload in the coal mine inspection area. However, DMR has not properly managed its program to ensure that the required numbers and types of inspections are conducted on all mine sites."

In March 1997, DMR and OSM adopted a "Plan for Improving DMR's Management of Its Inspection Workload" to address the findings from the 1996 report. This plan addressed several areas, including: abandoned and inactive sites; contemporaneous reclamation/bond release; temporary inactive status of permits; computer systems to address inspectable units, inspection and management reports; computer equipment; and OSM monitoring.

OSM committed to conduct follow-up oversight on the inspection program to determine the degree of improvement in managing the inspection workload during 1997, and to determine whether any on-the-ground problems could be associated with a lack of inspections on active mine sites during 1996. OSM's 1997 evaluation did not find any correlation between on-the-ground problems and Ohio's failure to conduct the required number of inspections during 1996.

Based on the results of this follow-up evaluation, OSM affirmed the findings from its 1996 evaluation conducted on this subject. Ohio has made the following progress in addressing recommendations from the 1996 report:

- The number of inspectable units continues to decline, resulting in a decrease in the number of required inspections.

- Ohio has reduced the number of unproductive or unnecessary inspections on reclaimed or abandoned sites by implementing the abandoned and inactive site provisions of the program.
- Ohio continues pursuit of timely reclamation and bond release on mine sites, especially on sites that should meet phase II bond release standards.

- Ohio has shown significant improvements between 1996 and 1997 in conducting the required number of inspections.

- Ohio continues to follow the recommendations from the 1996 report and is improving management of its inspection program.

- Ohio has substantially increased accessibility to new computer equipment for the inspection staff.

- The reliability of automated systems for tracking and reporting inspections continues to be a problem, but Ohio managers seem to be working through the problems and are using manual systems as back-up. OSM recommends that Ohio continue to work through the problems with the automated systems until reliable data is produced. OSM continues its offer of assistance in this program area.

OSM will continue to monitor this program area through periodic review of inspection records and management reports provided by Ohio.

OSM Part 732 Notices to Ohio

Ohio is in the process of responding to two notices from OSM informing Ohio of Federal rule changes that have not yet been reflected by changes to the Ohio program.

The first notice addresses necessary changes as a result of the Energy Policy Act (EPACT) and Federal regulations implementing the Act concerning areas impacted by mine subsidence. OSM has identified that Ohio needs to address bonding provisions of the Federal regulations that require that coal mine operators provide bond coverage for areas impacted by mine subsidence that are not repaired within 90 days. Ohio has responded to this notice by indicating that they are currently evaluating the bonding provisions of their program to determine if current provisions apply to areas impacted by mine subsidence.

The second notice addresses Federal rule changes that have occurred over the past several years. The provisions affecting Ohio include permitting and performance standards on siltation structures and impoundments, variances from approximate original contour, prime farmland, and affirmation by the applicant that reclamation requirements are met when applying for bond release. Ohio has responded to this notice that they will submit the necessary amendments by December 31, 1997.

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:			
EY95	11,592,392	12,541,440	24,133,832
EY96	13,208,687	16,822,233	30,030,920
EY97	13,579,710	16,658,160	30,237,870

[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.

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] (HUNDREDS OF ACRES)		
	ACTIVE OR TEMPORARILY INACTIVE		INACTIVE – PHASE II BOND RELEASE		ABANDONED		TOTALS					
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	TOTAL
STATE AND PRIVATE LANDS	**REGULATORY AUTHORITY: STATE**											
SURFACE MINES		229	1	170	7	40	8	509	517	1	1355	1356
UNDERGROUND MINES	_	14	3				3	14_	17	0	5	_5
OTHER FACILITIES		46		7	1	3	1_	56_	57	0	5	_5
SUBTOTALS		359	4	177	8	43	12	579	591	1	1365	1366
FEDERAL LANDS	**REGULATORY AUTHORITY: STATE**											
SURFACE MINES	_	1_	_	2	_	_	_	3	3	_	6	6_
UNDERGROUND MINES	_	_	_	_	_	_	_	_	_	_	_	_
OTHER FACILITIES	_	_	_	1	_	_	_	_1	1	_	0	_
SUBTOTALS		1		3				4	4		6	6
ALL LANDS[B]												
SURFACE MINES	_	299_	1_	170_	7_	40_	8_	509_	517	1	1356	1357_
UNDERGROUND MINES	_	14_	3_	_	_	_	3_	_14	_17	_	_5	5_
OTHER FACILITIES	_	46_	_	7_	1_	3_	1_	_56	_57	_	_5	5_
TOTALS		**359**	**4**	**177**	**8**	**43**	**12**	**579**	**591**	**1**	**1366**	**1367**

AVERAGE NUMBER OF PERMITS PER INSPECTABLE UNIT (EXCLUDING EXPLORATION SITES) 1

AVERAGE NUMBER OF ACRES PER INSPECTABLE UNIT (EXCLUDING EXPLORATION SITES) 246

NUMBER OF EXPLORATION PERMITS ON STATE AND PRIVATE LANDS: .....

ON FEDERAL LANDS: [C]

NUMBER OF EXPLORATION NOTICES ON STATE AND PRIVATE LANDS: .....

ON FEDERAL LANDS: [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	62	54	4022	3	3	0	0	0	0	65	57	4022
RENEWALS	29	13	5082	0	0	0	9	4	34.9	38	17	5117
INCIDENTAL BOUNDARY REVISIONS	32	32	4	3	7	118	0	0	0	35	39	122
REVISIONS (EXCLUSIVE OF INCIDENTAL BOUNDARY REVISIONS)[C]	-	-		-	-		-	-		-	-	
TRANSFERS, SALES AND ASSIGNMENTS OF PERMIT RIGHTS	18	14		0	0		0	0		18	14	
SMALL OPERATOR ASSISTANCE	20	0		0	0		0	0		20		
EXPLORATION PERMITS	-	-		-	-		-	-				
EXPLORATION NOTICES[B]	58	58		7	7		0	0		65	65	
TOTALS	219	171	9108	13	17	118	9	4	34.9	241	192	9261

OPTIONAL - NUMBER OF MIDTERM PERMIT REVIEWS COMPLETED THAT ARE NOT REPORTED AS REVISIONS _____

[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.

[C] NUMBER OF PERMIT REVISIONS ARE NOT AVAILABLE.

TABLE 4

OFF-SITE IMPACTS

SOURCES AFFECTED			PEOPLE			LAND			WATER			STRUCTURES		
DEGREE OF IMPACT			MINOR	MODERATE	MAJOR	MINOR	MODERATE	MAJOR	MINOR	MODERATE	MAJOR	MINOR	MODERATE	MAJOR
TAL OF PE	BLASTING													
	LAND STABILITY													
	HYDROLOGY								13					
	ENCROACHMENT*					7	1							
	OTHER					2						1		
	TOTAL					9	1		13			1		

NUMBER OF PERMITS OR MINE SITES WITH OBSERVED OFF-SITE IMPACTS:
S ___23____ OR MINE SITES _____

NUMBER OF PERMITS OR MINE SITES EVALUATED:
S __610____ OR MINE SITES _____

NUMBER OF OBSERVATIONS MADE TO EVALUATE MINE SITES OR PERMITS FOR
E IMPACTS _237_____

PORT THE DEGREE OF IMPACT UNDER EACH RESOURCE THAT WAS AFFECTED BY EACH TYPE OF IMPACT. MORE THAN ONE RESOURCE MAY AFFECTED BY EACH TYPE OF IMPACT. THEREFORE, THE TOTAL NUMBER OF IMPACTS WILL LIKELY BE LESS THAN THE TOTAL NUMBER OF SOURCES AFFECTED; I.E. THE NUMBERS UNDER THE RESOURCES COLUMNS WILL NOT NECESSARILY ADD HORIZONTALLY TO EQUAL THE TOTAL MBER FOR EACH TYPE OF IMPACT. TO REPORT THE NUMBER OF MINE SITES OR PERMITS USE THE SAME CRITERIA USED TO DETERMINE AN SPECTABLE UNIT IN THE STATE. NUMBER OF OBSERVATIONS IS BASED UPON THE CRITERIA DEVELOPED BETWEEN EACH STATE AND OSM AND AY INCLUDE OBSERVATIONS BY BOTH THE STATE AND OSM.

DISTURBANCES OUTSIDE THE AREA AUTHORIZED FOR MINING AND RECLAMATION ACTIVITIES.

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	5,213.6
PHASE II	• SURFACE STABILITY • ESTABLISHMENT OF VEGETATION	7,884.2
PHASE III	• POST-MINING LAND USE/PRODUCTIVITY RESTORED • SUCCESSFUL PERMANENT VEGETATION • GROUNDWATER RECHARGE, QUALITY AND QUANTITY RESTORED • SURFACE WATER QUALITY AND QUANTITY RESTORED	10,524.6
	TOTAL NUMBER OF DISTURBED ACRES AT END OF LAST REVIEW PERIOD (DECEMBER 31, 1996)[1]	93,433
	TOTAL NUMBER OF ACRES DISTURBED DURING THIS EVALUATION YEAR	6,527
	NUMBER OF ACRES DISTURBED DURING THIS EVALUATION YEAR THAT ARE CONSIDERED REMINING	N/A

[1] DISTURBED ACRES IN THIS CATEGORY ARE THOSE THAT HAVE NOT RECEIVED A PHASE III OR OTHER FINAL BOND RELEASE (STATE MAINTAINS JURISDICTION).

OPTIONAL TABLES 6

(SEE INSTRUCTIONS)

TABLE 7

STATE BOND FORFEITURE ACTIVITY
(PERMANENT PROGRAM PERMITS)

	SITES	DOLLARS	ACRES
BONDS FORFEITED AS OF SEPT. 30, 1997[A]	52	6,116,472	4269
BONDS FORFEITED DURING EY 1997	2	150,050	76
FORFEITED BONDS COLLECTED AS SEPT. 30, 1997[A]		2,127,861	
FORFEITED BONDS COLLECTED DURING EY 1997	0	0	0
FORFEITURE SITES RECLAIMED DURING EY 1997	18	2,726,046 [B]	595
FORFEITURE SITES REPERMITTED DURING EY 1997	0		
FORFEITURE SITES UNRECLAIMED AS OF SEPTEMBER 30, 1997	53[C]		1700
EXCESS RECLAMATION COSTS RECOVERED FROM PERMITTEE			
EXCESS FORFEITURE PROCEEDS RETURNED TO PERMITTEE			

[A] INCLUDES DATA ONLY FOR THOSE FORFEITURE SITES NOT FULLY RECLAIMED AS OF THIS DATE.

[B] COST OF RECLAMATION, EXCLUDING GENERAL ADMINISTRATIVE EXPENSES.

[C] 32 OF 53 UNRECLAIMED SITES ARE UNDER CONSTRUCTION ON SEPT. 30, 1997

TABLE 8

OHIO STAFFING
(FULL-TIME EQUIVALENTS AT END OF EVALUATION YEAR)

FUNCTION	EY 1997
REGULATORY PROGRAM	
PERMIT REVIEW	8.3
INSPECTION	18.9
OTHER (ADMINISTRATIVE, FISCAL, PERSONNEL, ETC.)	5.1
TOTAL	32

TABLE 9

FUNDS GRANTED TO OHIO BY OSM
(MILLIONS OF DOLLARS)

TYPE OF GRANT	FEDERAL FUNDS AWARDED	FEDERAL FUNDING AS A PERCENTAGE OF TOTAL PROGRAM COSTS
ADMINISTRATION AND ENFORCEMENT	$1.23	50
SMALL OPERATOR ASSISTANCE	$0.23	100
TOTALS	$1.46	

APPENDIX B
STATE COMMENTS ON THE REPORT

OHIO
Department of Natural Resources

George V. Voinovich • *Governor*
Donald C. Anderson • *Director*

December 5, 1997

George Rieger
OSMRE
Eastland Professional Plaza
4480 Refugee Road 2nd Floor
Columbus, Ohio 43232

Re: Annual Report

Dear Mr. Rieger:

Thank you for the opportunity to comment on your draft annual report for evaluation year 1997. The report is very well written both in content and tone, and I would like to compliment your staff on this effort. It is important to have a document which summarizes the important accomplishes we have made over the course of year and reflect upon those accomplishments, and set the tone for our upcoming year ahead. This report provides an excellent basis for the Division to point towards next year to further our attainment of goals and objectives outlined in the report. The report is a compliment to both our staff's tireless efforts to make Ohio's program a leader in the country in all respects. The Division has the following specific comments for your consideration.

III. 1st paragraph- We recommend you delete the language that refers to issuance of the citizen's guide in early 1997, since this date was always a moving target.

IV. Remining Initiatives- We recommend you include discussion about the objective achieved by PPD 97-1, Permitting of Pollution Abatement Areas, which significantly reduced the number of sampling points for an operator to collect to calculate the modified effluent limitation.

V. Off-site Impacts- The report should indicate that the Division is taking steps to remedy acid water accumulation on active permits and will be aggressively pursuing this issue in EY 98.

VI. Tina- The Division recommends striking the sentence in the last paragraph beginning with " increase levels of documentation as TINA is extended to show the likelihood of mining operations resuming," to be consistent with recent revisions to the TINA study

VII. Contemporaneous Reclamation and Timely Phase Release- The report should indicate at the end of the second to last paragraph, that the Division is actively pursuing a data base and reporting system that will provide the management tools that will enable the Division to better manage bond releases being obtained in a timely manner.

OSM Part 732 Notices to Ohio-last paragraph, last sentence the date should be revised to December 31, 1997.

Please consider our comments to your individual studies as it relates to your annual report. We look forward to receiving the finalized version of the annual report.

Sincerely,

Lisa J. Morris

Lisa J. Morris, Chief
Division of Mines & Reclamation

LJM/rb/cr