



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 2007

(July 1, 2006, through June 30, 2007)

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1. 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 July 1, 2006, to June 30, 2007.

The primary focus of OSM's oversight 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, and that areas on the minesite are contemporaneously and successfully reclaimed after mining activities are completed. The policy emphasizes a shared commitment between OSM and the States to ensure the success of SMCRA and the parallel State laws, through the development and implementation of performance agreements that detail the evaluation activities for a given year. The policy continues to encourage public participation as part of the oversight strategy. Besides the primary focus of evaluating end results, the oversight guidance makes clear OSM's responsibility to conduct inspections to monitor the State's effectiveness in ensuring compliance with SMCRA's environmental protection standards.

Oversight is a continuous and ongoing process. To further the idea of continuous oversight, this annual report is structured to report on OSM's and Oklahoma's progress in conducting evaluations and completing oversight activities. It also reports accomplishments and problems noted during the evaluation period. 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 Reclamation & Enforcement, Tulsa Field Office, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629.

The following acronyms are used in this report:

ADR	Alternative Dispute Resolution
AEA	Alternative Enforcement Action
AMD	Acid Mine Drainage
AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
AML	Abandoned Mine Land
AOC	Approximate Original Contour
AVS	Applicant Violator System
CFR	Code of Federal Regulations
EY	Evaluation Year

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FTE	Full Time Employee
IBLA	Interior Board of Land Appeals
NOV	Notice of Violation
OAC	Oklahoma Administrative Code
OCC	Oklahoma Conservation Commission
ODM	Oklahoma Department of Mines
OSM	Office of Surface Mining Reclamation and Enforcement
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
TFO	Tulsa Field Office

II. Overview of Coal Mining Industry

The coal-bearing strata in Oklahoma is located 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 in calendar years 2003, 2004, and 2005 was 1.6 million tons. Production increased in 2006 to 1.7 million tons. Twelve permits produced coal during EY 2007. Two of the 12 producing permits were underground mines; three were contour mines on gently sloping topography; while the remaining seven were area surface mines. Oklahoma had 59 permits that included approximately 22,000 acres at the end of the evaluation period. ODM employed 20 people to administer the approved regulatory program. The AML program employed the equivalent of nine full-time employees.

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

A. Public Participation in the State Program

ODM provides for public input into the State program in several ways. Citizens may comment on permit applications, significant revisions, amendments to the State program, bond releases, or file complaints on mining and reclamation operations. The State program regulations encourage citizens to participate in the various conferences, hearings, and inspections that are part of the permitting and enforcement process. For example, the regulations allow citizens to participate in "Citizen Complaint" inspections. Also, ODM inspectors invite landowners to participate in pre-permit inspections where they can review the permit application with a State inspector to identify permanent pond locations, planting mixtures, and other proposed postmining land use information. Landowners are also invited to participate in Phase I, II, and III bond releases.

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The Oklahoma Mining Commission holds six regular meetings throughout the year, and can call special meetings if necessary. The meetings are open to the public and the meeting dates are on ODM's Web Site. The meetings are a forum for Commissioners to discuss current coal and non-coal program issues and to receive comments from the public, government agencies, and the mining industry.

ODM inspectors and support staff conducted five Student Outreach presentations during EY 2007. The presentations, entitled "The Oklahoma Mining Experience" are offered to schools and other public institutions throughout the eastern part of the State. ODM employees also set up a booth at the State Capitol, and at events throughout the eastern part of the State, where they explain the economic impact that mining has in Oklahoma, along with ODM's responsibilities. Seven ODM employees participated in the events where they used literature, activities, and visual aids to describe mining and reclamation in Oklahoma.

B. Public Participation in OSM's Oversight

Oklahoma landowners and the general public participated in bond release inspections, citizen complaint inspections, and Commission meetings throughout the year. An Oklahoma citizen's group participated in ADR with OSM throughout EY 2007.

IV. Major Accomplishments/Issues/Innovations

A. Regulatory Program

ODM issued two new surface mining permits during EY 2007. The State approved 24 revisions and five incidental boundary revisions to existing permits. New permits and incidental boundary revisions totaled 903 acres (Table 3).

ODM approved 645 acres of Phase I bond releases during this evaluation year. Phase II and Phase III releases were approved on 1,242, and 2,073 acres, respectively. Total bonded acres on coal mining permits decreased in the last year from 22,987 to 21,817 acres.

During EY 2007, ODM began bond forfeiture reclamation of a 1,174 acre permit. ODM plans to conduct \$237,000 worth of reclamation on this permit. The reclamation that is being planned will not return the disturbed area to Title V standards, but will create as much useful acreage as is possible with the available funds.

Oklahoma has one post-SMCRA site with a long-term discharge of AMD that the operator has routinely treated to meet effluent standards. OSM and ODM have been discussing the adequacy of bond and the methods of treating AMD on this permit for several years. ODM and OSM agreed that the performance bond was

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not adequate for perpetual treatment of the AMD should the permittee default. OSM and ODM have been attempting to resolve the bond shortfall through programmatic means. In 1999, the Pittsburg County Mineral and Surface Owners Association appealed OSM's decision to resolve the inadequate bond for the permit through programmatic means rather than direct Federal enforcement. The IBLA has directed OSM and the Pittsburg County Mineral and Surface Owners Association to use the ADR process to resolve our differences. In January 2007, ODM approved a permit revision giving the permittee two options for water treatment, and provided a recalculated bond. Although the amount of performance bond posted by the permittee does not yet meet the requirements of the State program, OSM is continuing to work with the permittee to get the bond fully funded. OSM is also continuing to negotiate the IBLA case with the Pittsburg County Mineral and Surface Owners Association using ADR.

OSM, an Oklahoma permittee, and ODM have been discussing the reforestation of a Federal permit since February 2006. The last coal was removed from the permit in November 2000, and the site was planted with grasses and legumes in August 2001. The original permit application received significant public attention because of its visibility from several areas surrounding the city of Poteau, Oklahoma. Two public meetings were held during review of the permit application, with approximately 160 citizens attending one of the meetings. During review of the permit application package, all parties agreed to a reclamation plan that was designed to include the reforestation of 126 acres, or 35 percent of the disturbed area, with both trees and shrubs. This was done because of interest expressed during the public meetings, and because of the visual impacts of mining on Cavanah Mountain above Poteau, Oklahoma. However, in 2004 the permittee submitted a revision request to ODM to remove the tree and shrub planting from the reclamation because of the landowner's objection to tree planting, and the operator's assertion that the trees would not survive. OSM was opposed to removal of the reforestation plan from the permit, but both OSM and ODM agreed it would be appropriate to consider modifying the quantity and varieties of trees and shrubs to be planted, because only a portion of the original permit area was mined. In January 2007, the permittee amended their reclamation plan to reduce the quantity and to change the species of trees and shrubs to be planted on the disturbed area. The approved tree and shrub species were planted in April 2007, and ODM personnel report that survival of the newly planted species has been good.

ODM's inspection and enforcement division continued to operate under a new organizational structure in place since 2004, whereby coal inspectors perform inspection duties on non-coal mines, and conduct duties for non-coal safety inspections. ODM's staff of 19.5 FTE's maintained the regulatory coal program with 1.6 less FTE's than in the previous evaluation year.

B. Abandoned Mine Land Reclamation Program

OCC is the State Authority for the AMLR program. OCC operated with a grant of \$1.61 million during EY 2007. OCC's AML program has a staff of nine FTE's. Project selection is based on a system that considers protection of the public's health, safety, general welfare, and property from the dangers of past coal mining practices. The selection process used to identify projects for construction complied with Section 403 of SMCRA and the approved AML program.

In EY 2007, OCC completed four regular AML projects and seven emergency projects. The regular AML projects reclaimed 91.7 acres which included seven hazardous water bodies, 6,279 linear feet of dangerous highwalls, and two acres of industrial/residential waste. OCC followed standard construction practices using State contracting procedures. Since program approval, OCC has reclaimed approximately 4,202.7 acres of abandoned mine lands.

Public notices soliciting comments and suggestions for non-emergency projects were published in local papers. There were no responses to the public notices. All of the projects reviewed during this evaluation period met the requirements of interagency/intergovernmental coordination. Notification letters were mailed to all agencies and tribal entities that are or could be affected by the projects reviewed.

OCC completed an AVS check, prior to award of the contract, on all of the contractors for the projects that were reviewed during this evaluation period. None of the AVS checks retrieved violations.

OCC, working with the local conservation districts, monitors completed projects for several years. Their policy has been to correct sites that have structural failures or excessive erosion. When land owners sign a right-of-entry for reclamation, they agree not to disturb or graze the permanent vegetation for a minimum of 2 years from the time it was planted. In cases where the land owners allow overgrazing on AML sites resulting in erosion, the AML program will not correct the problem. OCC was in the process of repairing post project issues at one of the completed projects. There was no documentation of the issues or the monitoring in the project file. OCC is implementing a post project monitoring procedure that requires monitoring at 3-month, 6-month, 1-year and 2-year intervals after project completion and requires the completion of an AML Project Monitoring report after each inspection. These procedures will be implemented beginning November 1, 2007.

Emergency projects in Oklahoma were promptly investigated and abatement action was taken within a reasonable time. Emergency

recommendations made during the evaluation period met program criteria. Five of the completed emergency projects addressed subsidence features, one addressed a vertical opening, and one addressed surface burning. These AML hazards had been entered into the AMLIS system.

C. Program Amendments

On March 27, 2006, OSM approved a program amendment (OK-030-FOR) that had been submitted by ODM on February 9, 2004. The amendment contained rules that had been promulgated by the Oklahoma Legislature in 2004, including regulations involving subsidence and wildlife habitat. Both the Governor and the State Legislature approved the new rules as revised in May 2006. Upon publication in *The Oklahoma Register*, the Oklahoma Secretary of States' Office considered the rules to be a "Permanent Final Adoption" for the 2006 Legislative Session. On July 17, 2006, the rules were published in *The Oklahoma Register*. The rules became effective on July 27, 2006.

V. Success in Achieving the Purposes of SMCRA as Determined by Measuring and Reporting End Results

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

A. Off-Site Impacts

Forty-five violations were cited by ODM on active (not abandoned) permits during the period from July 1, 2006, to June 30, 2007. Thirteen violations involved record keeping or were administrative in nature, and were not considered in the count for off-site impacts. Therefore, 32 on-ground violations were reviewed for impacts. A total of 17 off-site impacts were reported on seven active permits by ODM for the review period.

Two of the 17 off-site impacts were reported to have a major impact to land resources. Four moderate impacts were to land and water resources. The remaining 11 minor impacts included six to hydrologic resources, three to land resources, and two impacts were to "other" resources not identified. The only potential pattern indicated by the off-site impacts in EY 2007 is the eight hydrologic violations. However, those eight impacts

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are typical of surface coal mining, and are varying types of hydrologic violations on different permits and different operators, and thus are not deemed to indicate a pattern.

During the period reviewed for this report, ODM conducted quarterly inspections on 11 permits where bond had been forfeited to determine compliance with Title V standards, in accordance with 30 CFR 840.11. State personnel have created an off-site impact information form to document impacts from forfeited/abandoned permits. The current report form is more detailed than in previous years, showing the extent of the impacts. State personnel report impacts from abandoned permits once a year, to determine if the impacts are improving or degrading. ODM personnel reported eight on-going off-site impacts on 11 abandoned permits inspected during the review period.

ODM had 59 inspectable units at the end of the review period, including both active and abandoned permits. Twelve of the 59 inspectable units had an off-site impact, translating to 80 percent of Oklahoma's inspectable units being free of off-site impacts. Eighty-five percent of active (not abandoned) inspectable units are free of off-site impacts.

The number of violations cited and the number of off-site impacts has increased during the last two review periods. OSM believes this increase is due to better ODM documentation of off-site impacts, and due to the increased number of OSM complete inspections. This increased attention by both ODM and OSM should result in less off-site impacts in the future. OSM accompanied ODM inspectors on joint inspections when four violations were identified with four off-site impacts. OSM agreed with ODM's assessment of the degree of impact in each case. After reviewing State documents and discussing violations with State Inspectors, OSM agrees with ODM personnel on the number and degree of off-site impacts where OSM was involved in the inspection.

ODM field office staff has created, and continually improved the forms needed to track off-site impacts. They have constructed a data base of impacts that is reviewed by the office manager periodically.

B. Reclamation Success

SMCRA and the Oklahoma program describe coal mining as a temporary use of the land. OSM has established final bond release as an indication that the land had been successfully reclaimed and returned to the landowner in a productive condition. OSM and the States, through the Oversight Steering Committee, have decided that studies of reclamation and revegetation success that are done for bond release are the best ways to determine if reclamation has been successful and timely. At Phase I

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bond release AOC has been achieved, and usually topsoil or an approved alternative soil medium has been replaced on the disturbed areas. At Phase II bond release surface stability has been achieved, and vegetation established. Phase III bond release is the final release with implementation of the postmining land use, return of vegetation productivity and restoration of surface-and ground-water hydrology. ODM has not historically tracked disturbed acres, therefore, yearly disturbed acres and cumulative disturbed acres are not reported in Table 5.

At the end of EY 2007, approximately 22,000 acres were permitted for coal mining in Oklahoma (Table 2). Phase III bond releases totaled 2,073 acres, Phase II bond releases were 1,242 acres, and 645 acres of Phase I bond releases were approved during the evaluation year (Table 5). During the previous evaluation year, EY 2006, Phase III bond releases were relatively high at 2,666 acres; Phase II releases totaled 1,574 acres; while no Phase I bond releases were approved. Therefore, 3,960 acres were released in EY 2007 while 4,240 were released in EY 2006, a reduction of 280 acres. Based on OSM's bond release inspections, the review of State inspection reports and bond release documents in EY 2007, OSM concludes that ODM is successfully implementing its program so that reclamation success is assured on lands where bonds have been released.

ODM has not forfeited bond on a coal mine permit in several years, primarily because coal operators have been reclaiming to Title V standards in recent years. ODM forfeited bond in years past, but there was no bond forfeited in EY 2007 (Table 6). Funds that ODM received from past forfeiture actions are being used by the State to reclaim some abandoned sites. The State is currently reclaiming a portion of an abandoned 1,174 acre permit in southeastern Oklahoma. This permit had been divided into two increments. Increment #1 was reclaimed by the surety company that was holding the bond. Increment #2 contained approximately 824 acres and cannot be completely reclaimed because it was significantly under bonded. The permittee abandoned the permit in 1992 with a reclamation liability of approximately \$1,800,000 on the 2nd increment. ODM had \$237,000 in forfeited bond funds to conduct reclamation in 2006. Plans were developed by ODM in 2005/2006, and on-ground work began in EY 2007. The reclamation plan for the site anticipates as much grading, resoiling, and revegetation as is possible with the available funds. However, the majority of the site cannot be reclaimed with the available funds.

The final permit that ODM released from reclamation liability during this evaluation year is a site where ODM had forfeited the bond and contracted for reclamation several years ago. ODM revised the permit in EY 2007 to include two areas that have developed into wildlife habitat, and released the permittee from reclamation liability requirements. AEA's were not

needed to compel the owners and controllers of the coal company to commit funds or reclamation to return the disturbed area to Title V standards.

C. Customer Service

Based on the review of citizen complaints, records on ODM's web site, public outreach programs, and the availability of records to the public, ODM provided opportunities for public participation in each of these areas that met or exceeded the requirements of the approved program.

The State investigated and closed two written complaints, and had two pending at the end of the review period. ODM completed investigations of 13 oral complaints, with 2 additional oral complaints pending at the end of the review period. ODM also received and responded to one objection to a coal permit revision application.

ODM continues to respond to oral complaints in a manner that is beyond that required by the approved State program. In essence, ODM handles an oral complaint as if it were a written complaint as envisioned by *OAC §460:20-57-3; Citizens' Request for State Inspections*. This section of the OAC requires certain State actions within defined time frames upon receipt of a *written* request for an inspection. ODM also chooses to apply these requirements to *oral* complaints. Oklahoma citizens are well served by this policy.

All of ODM's citizen complaint investigations were conducted in a timely manner.

Permittees are required to make permit application packages available to the public in the Courthouse of the County where the mining is planned to occur. In EY 2006, ODM mailed notification to all Coal Mine Operators, Permittees, Applicants, and Consultants that it is the applicant's responsibility to file copies of the documents in the Courthouse in the County where the mining is being conducted. Permit application packages were checked at two of six County Courthouses during the EY 2007 review period, and were found to be available and accessible to the public.

ODM distributes information to the public through an Internet Web Site (www.mines.state.ok.us). The Web Site describes the organization of the Coal Division, the nature and production of coal in Oklahoma, and has lists of permit applications, revisions, inspectable units, NOV's, and miscellaneous information. The web site also specifies how a citizen may file a written complaint with ODM. The site is well organized and the data is current.

ODM has been conducting a Public Outreach program since 2001. The program is offered to schools and other public institutions to educate citizens about mining and reclamation. Feedback from citizens who have participated in the program has been positive. ODM also set-up and manned informational booths about mining and reclamation at public events such as county fairs.

D. Alternative Enforcement Actions

In 1993, OSM's oversight of the State program identified permits that had not been returned to Title V standards, had outstanding FTA CO's, or had violations terminated before they were corrected. OSM and ODM formed joint agency teams and conducted a series of investigations resulting in the conclusion that ODM should be using AEA's to achieve abatement of violations before and after reclamation bonds are forfeited. OSM and ODM continued to annually review this topic individually or in teams until 1997.

From 1998 to 2005 OSM has conducted several evaluations of Oklahoma AEA's, and both ODM and OSM determined that some permits did not require AEA's and can be removed from the inspectable unit list, while disagreeing on ODM's approach to AEA's in several other instances.

In 1998, ODM asked OSM to have a U.S. Department of the Interior Solicitor evaluate ODM's AEA's. The Solicitor's evaluation commented favorably on ODM's positive attitude toward pursuing AEA's; and how ODM's Legal Department was actively litigating a case in the Oklahoma Supreme Court to preserve the State's ability to pursue AEA's. A second Solicitor's evaluation in 2001, assessing ODM's Alternative Enforcement Program from 1998 to 2001, was less favorable regarding ODM Legal Department's pursuit of AEA's.

In 2004, OSM reported that 12 operators with multiple permits did not have outstanding violations and were not eligible for AEA's. OSM and ODM agreed that the 12 operators were not AEA candidates, and the applicable permits were removed from the inspectable units list.

In 2005, OSM reported on five operators that were Alternative Enforcement candidates. In two of the five cases ODM had filed for injunctions to reclaim. The third case involved a settlement that ODM admitted it would not enter into in 2005 considering the final condition of the permit and knowing the recent litigation that has occurred regarding AEA's. The fourth case was a settlement that OSM negotiated with several interveners, including ODM, in Federal District Court. ODM reported that they were attempting to collect civil penalties, and \$67,500 in collateral for surety bond on the final case reviewed in 2005.

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In 2006, OSM reviewed the cases of five coal operators with abandoned permits. In the first case, ODM concluded it could not initiate AEA's against the principal officer of a coal company for the same or similar violations that OSM had cited and litigated in the 1980's. ODM continues to pursue \$67,500 in collateral for surety bond on an abandoned permit through a State District Court in the second case. ODM reported that it could not pursue AEA's in the third case because of "undisclosed legal issues." ODM decided they could not take legal action against the fourth operator because the violations occurred in Oklahoma during the period when OSM was enforcing a 30 CFR 733.12 (b) action in the State. On the final case reviewed in 2006, ODM had a small quantity of forfeited bond funds remaining on a company that abandoned several mines in the early 1990's. The State Legal staff stated that they will not consider AEA's while ODM is spending or can spend forfeited money that can be applied to reclamation.

Three operators and the attendant permits were reviewed in 2007. The first was reclaimed by the surety company that was holding the bond on the subject permit. No AEA's were needed to complete reclamation of the site. The State conducted bond forfeiture activities, contracted for the needed reclamation, and revised the permit on the second operator. AEA's were not needed to compel the owners and controllers to return the disturbed area to Title V standards. In the third case, ODM has initiated AEA's by filing a "Petition for Injunction" against a coal company official that abandoned the permit. The State Court has not yet taken action on ODM's petition.

VI. OSM Assistance

OSM's Branch of Training and Technical Information provides training to ODM employees throughout the year. ODM employees attended courses 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 2007, ODM sent eight participants (both coal and non-coal) to nine OSM courses.

Through the Administrative and Enforcement and Federal Lands Cooperative Agreement grants, OSM provided ODM with 65 percent of its operating costs for administration of its regulatory program. Through AML Administration and Construction grants, 100 percent of funds were provided for OCC's AML reclamation program.

Title V Assistance

OSM is continuing to work with ODM, a coal operator, and a citizen's group to insure that adequate bond is provided on a Title V AMD site. OSM provided technical

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assistance to ODM by evaluating a planned passive treatment system, and reviewing several permit revisions for the area containing the AMD. OSM also provided training on the use of TIPS software for the State's use in reviewing a bonding estimate for the permit with AMD.

OSM provided ODM with assistance on a subsidence activity associated with an active underground mine. A field visit was conducted and a technical assistance report was provided to the State. OSM has committed to provide further technical assistance if requested.

OSM staff has met with Oklahoma Regulatory Program personnel to discuss the State's interest in developing a geospatial data system for their program. Oklahoma staff has recently begun to increase the use of geospatial data.

Title IV Assistance

OSM assisted OCC to develop a programmatic agreement with the State Historic Preservation Office. OSM is currently reviewing comments from the National Advisory Council on Historic Preservation.

Oklahoma has six ongoing Clean Stream Projects wherein OSM has committed to long-term technical assistance. OSM personnel from Alton Illinois travel to Oklahoma on a quarterly basis to conduct analysis of discharges from the Projects, and are currently involved in the further development and evaluation of Clean Stream Initiative passive treatment systems. The Clean Stream systems currently require considerable monitoring and maintenance; therefore, OSM is working with OCC to develop maintenance programs for these sites.

OSM is also providing assistance on a Clean Streams Initiative project by way of reviews and comments on engineering designs for closing a dangerous air shaft, and treating AMD flowing from the shaft.

VII. General Oversight Topic Reviews

The following topic was evaluated in EY 2007:

Mine Site Evaluation

During EY 2007, TFO conducted nine complete inspections, and four partial inspections of Oklahoma mines. ODM responded appropriately to the five TDN's containing six violations issued by TFO in EY 2007. OSM did not send any TDN's to ODM as a result of citizen's complaints, and did not issue any Federal enforcement actions during the review period.

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Appendix A: Tabular Summaries of Data

When OSM's Directive REG-8, Oversight of State Programs, was revised in December 2006, the reporting period for coal production on Table 1 was changed from a calendar year basis to an evaluation year basis. The change was effective for EY 2007. In addition to coal production figures for the current year, Table 1 also contains the coal production figures from annual evaluation reports for the 2 most recent prior years. Therefore, for the 2007 annual evaluation report, coal production figures are provided for 2005, 2006 and 2007. In order to ensure that coal production for these 3 years are directly comparable, the calendar year production figures from the 2005 and 2006 annual evaluation reports were recalculated on an evaluation year basis (July 1 – June 30). This should be noted when attempting to compare coal production figures from annual evaluation reports originating both before and after the December 2006 revision to the reporting period.

These tables present data pertinent to mining operations and State and Federal regulatory activities in 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 July 1, 2006, to June 30, 2007. Additional data used by OSM in its evaluation of Oklahoma's performance is available for review in the evaluation files maintained by TFO.

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Appendix B: State Comments on Report

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MARY ANN PRITCHARD
DIRECTOR

BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF MINES

September 14, 2007

Alfred L. Clayborne, Director
Tulsa Field Office
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
1645 South 101st East Avenue, Suite 145
Tulsa, OK 74128-4629

RE: EY2007 Annual Evaluation Report for Oklahoma

Dear Mr. Clayborne:

My staff and I have reviewed the EY 2007 annual OSM evaluation report on Oklahoma, and have no comments to add. We appreciate the opportunity to comment on this document.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Pritchard".

Mary Ann Pritchard
Director

4040 N. LINCOLN BLVD., SUITE 107, OKLAHOMA CITY, OKLAHOMA 73105-5282 TEL: 405/427-3859 FAX: 405/427-9646

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BRAD HENRY
GOVERNOR

JARI ASKINS
LIEUTENANT GOVERNOR



MIKE THRALLS
EXECUTIVE DIRECTOR

BEN POLLARD
ASSISTANT DIRECTOR

Responsible Care For Oklahoma's Natural Resources

August 28, 2007

Mr. Al Clayborne, Director
Tulsa Field Office
Office of Surface Mining
1645 South 101st East Ave., Suite 145
Tulsa, OK 74128-4629

Dear Mr. Clayborne:

Thank you for the opportunity to review the Office of Surface Mining's "Draft" Evaluation Year 2007 Annual Evaluation Report for Oklahoma. The report looks fine. The only response the Conservation Commission has concerns the issue of project monitoring in Part IV, Section B on page 6. The AML Program has developed the attached form and instruction sheet, "AML Project Monitoring Report," for formal monitoring of completed projects. The AML field personnel will be given instructions on project monitoring and the form at the 2007 AML Project Inspectors Workshop in Tulsa October 23-25. We will begin the formal monitoring program on November 1.

We look forward to you and your staff joining us at the workshop.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Kastl".

Michael L. Kastl
AML Program Director

MLK:CS

Enclosure