

CHAPTER 4-120
STATE EMERGENCY AML RECLAMATION PROGRAM

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4-120-00 What is an AML emergency?

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), define an Abandoned Mine Land (AML) emergency as a sudden danger or impairment related to coal mining that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal AML program operation procedures.

4-120-10 What is the objective of the AML emergency program?

The objective of the emergency reclamation program is to stabilize the emergency aspects of the problem by eliminating the immediate danger to public health, safety, and welfare. Any remaining reclamation should then be accomplished as part of a regular non-emergency AML project.

4-120-20 How does state emergency funding work?

- A. Only states who are eligible for minimum program funding and who have an approved emergency reclamation program are eligible to receive and expend funds for AML emergency projects provided that funding is available. If funding is not available, all states or tribes may only use their other funding sources to address and pay for the emergency problem. You may not transfer funding to the emergency cost category from non-emergency cost categories. You must submit reports for the emergency projects within the non-emergency cost categories.

- B. Sites must be eligible for AML funding. See FAM [Chapter 4-100](#) for more information on site eligibility.
- C. You can only use emergency program grant funds for emergency hazard abatement. Emergency funding is limited. To be fair to other programs, we cannot allow you to use emergency funds for any additional work beyond what is necessary to abate the hazard.
- D. A major consideration of the emergency program is determining the proper split between the use of emergency, and non-emergency AML funds to fully reclaim a problem area when the use of emergency funds is required to address the problem quickly. We will monitor your use of emergency funds in the same manner as we monitor your use of other AML funds. When you determine that a problem should be reclaimed using both emergency and non-emergency project funds, use the following procedures.
 - 1. Consult with us before we define the extent and scope of the emergency. If we agree that a problem should be reclaimed using both emergency and non-emergency funding, we will make the final determination concerning how much of a project should be funded with emergency funds.
 - 2. You will determine the extent and scope of non-emergency work.
 - 3. You are responsible for managing the emergency funds to ensure that funding limits are not exceeded.
- E. You cannot use emergency program funds for any of the following types of high priority projects.
 - 1. Exploratory and design work for projects which have the potential to deteriorate into emergencies.
 - 2. Projects which need prompt attention but require considerable evaluation efforts.
 - 3. Projects which will require more than six months to complete.

4-120-30 What are our responsibilities?

Our regional or field office will perform the following functions.

- A. Receive and review applications and awarding assistance agreements.
- B. Declare emergencies. We will determine whether the problem meets the definition of emergency under 30 CFR 700.5, and our emergency program guidelines (see [Exhibit 1](#) at the end of this chapter). We also approve the scope of work necessary to abate the emergency.

- C. Work with you to ensure appropriate use of emergency funds.
- D. Assure compliance with National Environmental Policy Act, P.L. 91-190, (NEPA) and OSMRE REG-1, *Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA Handbook)* (Revised 2019).
- E. Assure compliance with the National Historic Preservation Act, P.L. 89-665, (NHPA). (See [Exhibit 2](#) of this chapter for more information.)
- F. Assure that you have met the requirements of the Endangered Species Act, P.L. 93-205, the Clean Water Act, P.L. 92-500, and any other applicable Federal, state or tribal, and local laws imposed for the protection of the environment.
- G. Monitor performance of reclamation activities and expenditure of emergency grant funds.

4-120-40 What are your responsibilities?

You must perform the following functions.

- A. Respond to emergency complaints, tracking complaints and individual reclamation project progress, and monitoring all emergency program costs.
- B. Ensure that emergency abatement activities are conducted in accordance with your approved reclamation plan, and the guidelines in [Exhibit 1](#) of this chapter.
- C. Ensure that project funds are properly allocated and expended when projects contain both emergency and non-emergency work.
- A. Assist us in complying with NEPA, our [NEPA Handbook](#), and the National Historic Preservation Act (NHPA).
- E. Comply with the Endangered Species Act, the Clean Water Act, and any other applicable Federal, state or tribal, and local laws imposed for the protection of the environment.
- F. Award and manage contracts for services necessary to abate emergency conditions, including rights of entry, appraisals, and other realty requirements.

4-120-50 What are the grant funding procedures for the state emergency program?

- A. If you require emergency project funding, you may submit an amendment application for specific emergency project costs.
- D. We normally approve emergency program funding for a period of one year.

- E. We will deobligate any funds unexpended at the end of the one year performance period.

4-120-60 What should your initial investigation procedures include?

- A. You perform initial investigations of AML citizen complaints. However, we encourage you to contact us to determine if a joint inspection is practical.
- B. You should normally use the following procedures for your initial investigation.
 - 1. Visit the problem site within two working days after receipt of the complaint. If the problem appears to be of an emergency nature, promptly notify our regional or field office. We can provide assistance if needed.
 - 2. Your field investigation should obtain all pertinent information. See [Exhibit 3, Complaint Information Gathering Guide](#), and [Exhibit 4, AML Compliant Investigation](#),” for guidance on the information needed.
 - 3. Note any procedures required by NEPA (see the [NEPA Handbook](#) for more information), NHPA, Endangered Species Act, Clean Water Act, or any other Federal, state or tribal, or local requirements imposed for protection of the environment.
 - 4. If appropriate, notify emergency assistance organizations and local authorities of conditions at the site so that they can take immediate protective steps such as fencing or street closing.
 - 5. Determine if local or other state or tribal institutions, such as the county highway department, can and will correct the problem.
 - 6. If you should need non-emergency funds to complete reclaiming the site, you should discuss the situation with us. If non-emergency funds are needed, you should take action to get the necessary funds, or to include the problem in your AML inventory.
 - 7. If required, get information necessary for an appraisal.

4-120-70 What must you include in your request for an emergency declaration?

Regardless of funding source, you must submit the following materials to us for each proposed emergency before we can declare it. However, in certain situations we may agree to declare an emergency with only the information we need immediately, and allow you to provide the remaining information afterward. The size of the project usually determines how much discussion you need about abatement alternatives.

- A. Your investigation report. You may use an optional [OSM-51](#) form, a state form, or any narrative or bullet-type description to provide the following information.
1. Project objective: Describe the project objective in relation to the definition of an emergency (a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures). Show how the project will abate the danger. Evaluate alternative abatement methods if there are any, to show that the most effective, and cost efficient method is being used.
 2. Approach: Briefly describe the project schedule, scope of work, and expected accomplishments.
 3. Bonds: Identify the existence or absence of any bonds or other financial guarantees associated with the disturbed area, and provide specific details on those which have been released, forfeited and expended, or are otherwise unavailable. If a bond or other financial guarantee has been forfeited but not expended, it must be applied to the work to be done. A commitment to do that from the holder of the bond is required. This commitment may initially be verbal, documented in a telephone log, but a written commitment must follow. If the amount of the unexpended bond funds or other applicable financial guarantees is inadequate to complete emergency reclamation, you can use emergency funds.
 4. Non-emergency work: Estimate the cost of any non-emergency work associated with the emergency project. You may not use emergency funds to complete the non-emergency portion of a project. Indicate whether non-emergency funds will be available to complete the reclamation, or whether the non-emergency portion will be included in your inventory for future funding.
 5. Maps: Include maps showing location of the problem and of any active mining in the area.
- B. Approval. An authorized official of your organization must sign or approve your recommendation for emergency action.

4-120-80 How will we review your request and process an emergency declaration?

- A. Upon receipt of your request for emergency declaration, we will review the information and ensure that the project meets the requirements listed below. We may visit the site to verify the information contained in your report.
1. The project meets the criteria for an emergency.
 2. The scope of work is reasonable to abate the emergency hazard.

3. An authorized official of your state or tribe signed or approved the emergency recommendation and scope of work.
4. If the project is in proximity to any active mining or mined area, or we may reasonably expect that reclamation activities could impact such an area, we will contact the appropriate Federal and/or state or tribal Mine Safety and Health Administration agency to determine if site conditions or probable reclamation activities could affect the health and safety of mine workers. We have discretion to apply the "proximity" and "reasonably expect" criteria based on the specific site conditions.
5. The project will comply with NEPA and NHPA. The state or tribe will comply with the Endangered Species Act, Clean Water Act, and any other Federal, state or tribal, and local requirements imposed for the protection of the environment.
6. The request includes the information on the status of any bond(s) or other financial guarantee(s) associated with the disturbed area as required in the previous section.
7. If part of the site will be referred to or funded by the non-emergency program, there is documentation of planned coordination with the non-emergency AML program.

B. We will process the emergency declaration as follows.

1. We declare an emergency by signing a Finding of Fact/Authorization To Proceed (ATP). The Finding of Fact certifies that the problem meets the criteria of an emergency, and qualifies for available emergency funding. It also serves as the point of Federal action, authorizing you to proceed with reclamation work on the site.
2. Our authorized official must approve the Finding of Fact. We should complete this approval within two working days of receiving your information.
3. We may approve a limited emergency response based on verbal information when we determine that delaying issuing a Finding of Fact until all required information is available could result in substantial physical harm to the health, safety, or general welfare of people. Before doing so, we must assure that you or we have met the environmental compliance requirements applicable when emergency circumstances at the site require immediate abatement action. We can later approve an expanded scope of work after receiving and reviewing more complete information.
4. The Finding of Fact must include the following information:

- a. Project name and other identifying information. Include the Problem Area (PA) number if the problem is in the Enhanced Abandoned Mine Land Inventory System (e-AMLIS).
 - b. Project location should be specifically stated and detailed as to street, township, and county.
 - c. Condition which requires emergency abatement.
 - d. Declaration that the project meets the definition of an emergency using the criteria given in [Exhibit 1](#).
 - e. Scope of work, including the following:
 - (1) A description of actions to be taken, and an explanation why those actions are necessary to stabilize the emergency aspects of the problem by eliminating the danger to public health, safety, and general welfare.
 - (2) Documenting planned coordination with the recipient's non-emergency AML program if a portion of the problem is to be reclaimed using emergency program funds and the remainder reclaimed or funded under the recipient's non-emergency AML program.
 - f. Documented compliance with NEPA and our [NEPA Handbook](#). If there is an immediate threat of substantial physical harm, and the emergency action must be completed before the required NEPA document can be completed, you may submit environmental and other information to assist us in making the required determination.
 - g. Documented compliance with NHPA.
5. If the project appears to be an emergency, our reviewer prepares and signs the Finding of Fact/ATP, and forwards it to our authorized official for approval and signature. We will notify you immediately that the emergency has been approved; we will send you a copy of the signed Finding of Fact/ATP.
- C. Emergency Denial. If we determine that a complaint does not constitute an AML emergency, we must give you a written determination within two working days. If you determine it to be an eligible high priority AML problem, we may assist you in submitting timely NEPA documentation. Special consideration should be given to those problems which do not currently meet the criteria for emergency declaration but which may deteriorate into emergencies if not reclaimed promptly. As appropriate on a case-

by-case basis, this assistance could include help with the documentation to enter the problem in e-AMLIS, preparation of the Environmental document, or other technical assistance as needed. Contact our regional or field office to request assistance.

4-120-90 What are the emergency project progress reporting requirements?

- A. You must include emergency projects in your annual and final AML performance reports (see [Chapter 4-230](#) for information on reporting). Your performance report narrative must include the following information on emergency projects.
 - 1. Name of project.
 - 2. Date work started on project.
 - 3. Discussion of abatement measures and their success or failure.
 - 4. Original contract(s) cost estimates.
 - 5. Final project cost.
 - 6. Date work was completed on the project. (Do not include final revegetation if it was delayed awaiting proper weather conditions)
- B. You must enter AML inventory information into e-AMLIS for all approved emergency projects at project completion to show your accomplishments.

4-120-100 What do you do if the emergency project needs a scope change?

Generally, our approval is not necessary for changes to the scope of an emergency project. However, you must address the impact of the scope change on the environmental documents using the appropriate alternative below.

- A. If you prepared the NEPA related documents and conducted the required consultations, you must prepare any necessary revised documents to address additional environmental impacts from the proposed scope change, and submit those documents to us.
- B. If we prepared the NEPA related documents and conducted the required consultations, you must notify us prior to making changes in the scope of work. We will review the existing NEPA document and findings, and change the existing documents as necessary. Additional findings must be made to ensure that the proposed changes are in conformance with applicable requirements.

Exhibit 1

AML EMERGENCY PROGRAM GUIDELINES

1. Emergency Criteria

As defined in 30 CFR 700.5 an emergency is a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures. For an AML problem to be declared an emergency the answers to the following three questions must be yes.

- a. Was there a sudden event?
- b. Is there a high probability of substantial physical harm to the health, safety, or general welfare of people?
- c. Does the emergency condition need to be abated in a time frame that is not possible under normal state/tribal program procedures in order to protect the health, safety, or general welfare of people?

2. Proper Response to Declared Emergencies

The proper amount of emergency reclamation is the amount necessary to stabilize the emergency aspects of the problem by eliminating the immediate danger to public health, safety, and general welfare. Any remaining reclamation should then be accomplished as part of a regular, non-emergency AML project.

Emergency reclamation must be sufficient to stabilize conditions and eliminate the hazards until the remaining non-emergency reclamation can be undertaken. When non-emergency reclamation is needed after abatement of the emergency, the project should be classified as a high priority if the remaining reclamation needs to be done expeditiously. This action will help prevent deterioration of the emergency work already completed.

It is not appropriate to use emergency program funds for exploratory and design work for high priority projects which have the potential to deteriorate into an emergency situation. The design work should be done as part of the normal AML program.

3. Specific Guidance for Selected Types of AML Problems

- a. Surface Burning (SB). Surface Burning is an emergency when it threatens to burn occupied dwellings or when it is producing poisonous or dangerous gases, (e.g., carbon monoxide, hydrogen sulfide, etc.) and suddenly begins to threaten people. The presence of poisonous gases must be confirmed through the collection and laboratory analysis of ambient air samples or the use of a hand held monitor.

Most refuse pile fires are characterized by noxious fumes, smoke, and open fires. While these conditions may be annoying, they do not normally constitute an emergency and should be considered under the regular AML grant program.

When non-emergency fires suddenly expand and threaten any inhabited structure(s) or poisonous gases suddenly begin to threaten people, emergency action will be considered to eliminate the threat.

Refuse fires are easier and cheaper to extinguish if discovered early. Therefore, notwithstanding the criteria for emergency definition discussed above, fires which are discovered at an early stage may be treated as emergencies.

- b. Gases/Underground Burning (GUB). Underground mine fires are considered emergencies when they threaten to burn occupied dwellings, either directly or by starting surface fires, or when they produce poisonous or dangerous gases (e.g. carbon monoxide, hydrogen sulfide, etc.). The presence of poisonous gases must be confirmed through the collection and laboratory analysis of ambient air samples or the use of a hand held monitor.

Normally, inventoried underground mine fires are not sudden occurrences and do not present an immediate danger to the public. The states/tribes will, generally, conduct abatement or control procedures through normal program operations. However, emergencies may be declared when these fires suddenly break to the surface or where poisonous gases generated by the fire suddenly begin to threaten people.

As with Surface Burning, underground mine fires are easier and cheaper to extinguish if discovered early. Therefore, notwithstanding the criteria for emergency definition discussed above, fires which are discovered at an early stage may be treated as emergencies.

- c. Dangerous Slides (DS). Dangerous slides are emergencies when there is immediate danger to the occupants of dwellings which are, or could be, endangered by the slide. In some cases, a slide may be considered an emergency when it blocks a stream, threatening upstream or downstream flooding. Blockage of roadways and driveways may be considered an emergency if access for emergency vehicles is prevented and no highway maintenance agency can act to clear the roadway.

Where these situations occur, emergency AML work will address only the emergency portion of the landslide. Permanent reclamation of the entire slide area may be considered when the emergency cannot be stabilized without it or it is clearly demonstrated that it is not cost effective to delay full reclamation. Where emergency work abates the emergency but achieves less than permanent

reclamation, the remaining work should be considered under the regular AML grant program.

- d. Portals (P) and Vertical Openings (VO). Vertical Openings are emergencies when there is a risk of falling into the opening. A portal can be an emergency when there is a substantial danger of entering the opening and being subjected to either fall material (e.g., roof rock or mine timbers) or an inhospitable mine atmosphere, such as methane and /or low oxygen conditions. The possibility of mine explosions from methane buildup would also create an emergency situation.

Historically, mine openings were often capped or sealed at the conclusion of mining with no provisions for continuous maintenance. Subsequent surface activities or vegetation may have covered or hidden these openings. The sudden uncovering of a previously unknown shaft or other mine opening in a populated area will generally be considered an emergency. Open shafts, although previously detected, which are now considered to be in or near populated areas may be treated as emergency work.

An opening which exposes persons to poisonous gases should be declared an emergency. The presence of poisonous gases should be confirmed when this can be done safely and conditions allow meaningful sampling. This may be accomplished through the collection and laboratory analysis of ambient air samples or the use of a hand held monitor.

- e. Subsidence (S). Emergencies resulting from subsidence involve the danger of falling into the opening and/or the risk of damage to occupied dwellings, threatening the safety of occupants. Subsidence damage that significantly affects the structural integrity of occupied dwellings or adversely affects gas or electric lines is usually an emergency. Subsidence beneath a roadway may be treated as an emergency only when a roadway maintenance agency cannot act to correct the problem.
- f. Other Problem Types. While the five problem types above represent those most commonly associated with emergencies, this Directive does not preclude other problem types from being declared an emergency. The problem must meet the emergency criteria as set forth in Section 1 of these guidelines and follow other guidance provided in this Directive.

Exhibit 2

COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT

The Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR Part 800 established procedures to protect historic and archeological resources and implement Section 106 of the National Historic preservation Act (NHPA). NHPA requires a review of Federal emergency projects to determine the effect on historic properties.

Under the Federal Reclamation Program, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is responsible for all the activities set out below. Under state-managed emergency programs, the state is responsible, except that OSMRE decides when immediate action must be taken to protect the public and must document findings in the Finding of Fact.

This appendix sets out the steps to follow when emergency construction can be initiated within 30 days of OSMRE declaring the emergency. If construction cannot be initiated within 30 days of OSMRE declaring the emergency, the regular NHPA procedures must be followed. In no event will an emergency action necessary to prevent substantial physical harm to the health, safety, or general welfare of people be delayed in order to meet NHPA requirements.

The first step in the review process is to determine whether any historic properties might be affected by the emergency project. Historic property includes any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NR). For the purpose of this directive, the term also includes artifacts, records and remains that are related to and located within such properties. The term "eligible for inclusion in the NR" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet NR listing criteria at 36 CFR 800.2(e).

While few emergency projects potentially affect historic properties, the following steps should be taken for each emergency project.

1. **If no historic properties are found that may be affected by the emergency abatement project** you will document this in the Finding of Fact for state/tribe managed emergency projects. You must send a copy of the documentation to the state Historical Preservation Officer (SHPO) or tribal leaders. No further steps in the Section 106 process are required.

Please note that, within the context of this appendix, the term SHPO includes tribal leaders if the project is on tribal lands and briefing paper includes the Finding of Fact for state/tribe projects.

2. **If a historic property is found that may be affected by the emergency abatement project**, whoever declares the emergency will contact the SHPO. In consultation with the SHPO, you will use the Criteria of Effect, pursuant to 36 CFR Part 800.9(a), to determine if the historic property will be affected. If all parties are satisfied that the historic property will not be affected

this will be noted in the briefing paper. OSMRE/state will photograph the property. No further steps in the Section 106 process are required.

3. **If there are concerns that the emergency abatement may adversely affect a historic property**, all parties will make a reasonable attempt to resolve the concerns before work begins. If the concerns are resolved the briefing paper will:

(a) describe the historic property and explain how it will may be affected; and

(b) specify the concerns of the SHPO and explain how they were resolved.

After the abatement has been accomplished, any agreed upon information will be sent to the SHPO and a copy will be included with the emergency project's final report.

4. **If the SHPO has concerns which cannot be resolved and OSMRE determines that immediate action must be taken**, the briefing paper must include:

(a) a description of the SHPO's concerns;

(b) an explanation of why emergency abatement must be initiated immediately to prevent substantial physical harm to the health, safety, or general welfare of people; and

(c) a description of the emergency work to be done, its impact on the historic property(s), and the measures to be used to avoid or minimize harm to historic properties.

OSMRE/state will photograph the property and then take only that emergency action required to prevent immediate substantial physical harm to the health, safety, or general welfare to people.

When the emergency has been stabilized, OSMRE/state will provide the SHPO with photographs, maps, and a description of the actual impact on the property. A copy of this information will be included with the emergency project's final report. If additional work is required to complete reclamation, the regular NHPA procedures must be followed.

5. **If it is not possible to contact the SHPO (for example, on a weekend) and OSMRE determines that immediate action must be taken**. Photograph the property, and then take only that emergency action required to prevent immediate substantial physical harm to the health, safety, or general welfare of people. Note in the briefing paper that an unsuccessful effort was made to contact the SHPO and notify him/her at the first opportunity.

Guidelines for Photographs of Historic Properties

It is recommended that the SHPO be contacted beforehand to determine what is required of photographs of historic properties. In lieu of specific guidance from the SHPO, the following guidelines should be followed.

Photograph Type: You may use digital photographs, or color or black and white film. Polaroid type photographs are not acceptable.

Buildings or structures:

Environment: Photograph should show the environment in which the property is located.

Exterior: Photographs must include views which show the entire length and/or width of the building or structure. These can be used to identify the style of the building and the type of construction.

Elements: Photographs should show the elements of the building or structure, such as wall and roofs that contain repeated features such as doors, windows and large decorative details. Additional photographs should be taken of the individual features of the elements, such as porches, entryways and large significant decorative aspects. Machinery should be photographed.

Details of the Features: Close-up photographs of unusual windows, doors, and repeated designs and motifs should be taken. Also, include views of typical work methods and materials.

Historic and archeological sites: Photographs should document the condition of the site and present features. If relevant to the evaluation, photographs may also show artifacts that have been recovered from the site. Photographs must show the physical environment and land configuration of the site.

Identification: Identification of photographs should contain the following:

- The name of property/site.
- The location, including the State, county, city and address (if relevant).
- The emergency project name and number.
- The date of photograph.
- The role and negative number.
- Location where the negative is stored.
- A description of what the photograph is showing.

Exhibit 3

COMPLAINT INFORMATION GATHERING GUIDE

1. Was there a sudden event? When did it occur, if known?
2. Is there a high probability of substantial physical harm to the health, safety, or general welfare of people?
3. Does the problem have to be addressed immediately to protect health, safety, or general welfare of people?
4. How many people are endangered and to what extent?
5. How soon does the problem need to be addressed? (What is the urgency?)
6. What is the history of mining in the area?
7. If the mining operator is known, does he/she have continuing reclamation responsibility?
8. Are there any bonds associated with the disturbed area?
9. What is the source of the problem and where is it located?
10. How does the problem relate to past coal mining practices?
11. Is access to the property safe?
12. If needed, have the residents secured alternative housing within the commuting area?
13. Have photographs of all aspects of damaged property been taken (including inside of houses).
14. Is there a potential for any emergency abatement to impact the environment (NEPA), historic properties (NHPA), public utilities, private water supplies, or water waste disposal systems?
15. Does the current problem indicate a seasonal or other periodic (non-random) fluctuation that may change at a later date?
16. What can the landowner, mineral owner, and/or municipal agencies do?
17. What is the state's or tribe's regular AML program willing to do and when?
18. What is the local community willing to do and when?
19. What are the utility companies willing to do and when?
20. What are other state/tribal and Federal agencies willing to do and when?
21. Is an insurance company responsible?
22. Was the owner involved in or benefited from mining?
23. Are active mines operating in the area?

Exhibit 4

AML COMPLAINT INVESTIGATION

Type of Complaint: _____ Reported by: _____

Address: _____

Telephone: _____

Date OSMRE Received Complaint: _____ Time: _____

Date OSMRE Field Office Received Complaint: _____ Time: _____

OSMRE Person Receiving Complaint: _____

Address of Complaint: _____

City: _____ County: _____ State: _____

SITE INVESTIGATION

Date: _____ Time: _____ OSMRE Investigators: _____

State representative(s) Present: _____

Others Present: _____

Name of other agencies contacted (local, state or Federal): _____

LOCATION OF SITE

Directions to Location (Describe Route): _____

USGS Quadrangle Name: _____

Coordinates: _____

AREA MINED

Mined by: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Telephone Number: _____

Permitted Operation: No ___ Yes ___ Permit Number(s) _____

Was the property owner involved in the mining? Yes ___ No ___ If yes, explain: _____

Duration of Mining: From _____ Until _____

Type of Mining: _____

Field Elevation: _____ Coal Elevation: _____ Seam Name: _____

BOND (Optional)

Amount Received: _____ Date _____

Amount Returned: _____ Date _____

Amount Forfeited: _____ Date _____

Amount Available: _____ Date _____

PRESENT OWNERS

Surface Owners: Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Mineral Owner's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

AFFECTED PARTIES

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Land Owner: _____ Adjacent Owner: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Land Owner: _____ Adjacent Owner: _____

SITE INFORMATION

Date problem began or was first noticed: _____

Are there any active mining or related activities in or around the area? No ___ Yes ___

Name of Operator(s) _____

Nature of Problem:

- _____ Water Discharge
- _____ Sedimentation
- _____ Flooding
- _____ Air Pollution
- _____ Slide
- _____ Void, Shafts, Slope, Entries, etc.
- _____ Mine Fire
- _____ Subsidence
- _____ Other, Specify _____

Source of Problem:

- _____ Underground Mine
- _____ Surface Mine
- _____ Processing Area
- _____ Refuse Pile
- _____ Treatment Facility
- _____ Other, Specify _____

Potentially Affecting:

- _____ Persons Estimated Number _____
- _____ Streams Name _____
- _____ Public Road . . Name _____
- _____ Housing Number _____
- _____ Building Number _____
- _____ Schools Name _____
- _____ Utility Power Line _____ Treatment Plant _____
- _____ Sewer Line _____ Gas Line _____
- _____ Water Line _____
- _____ Historic or archeological site(s) Number _____
- _____ Other, Specify _____

Estimate acres Affected _____

NATURE OF PROBLEM

Describe the problem (details: i.e., size shape; is problem spreading, expanding; first noticed, etc.): _____

OTHER INFORMATION

Describe what other information is available and its location (i.e., maps, inspections, etc.):

ELIGIBILITY (Optional)

State legal officer Notification

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Method Used

Oral _____ Date _____ Written _____ Date _____

Declaration of Eligibility from state

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Method Used

Oral _____ Date _____ Written _____ Date _____

Eligible: Yes _____ No _____ Explain _____

POTENTIAL NEPA PROBLEMS

Note any potential National Environmental Policy Act Related problems. See REG-1, *Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA)*. Actual responsibility for complying with NEPA rests with the RD.

REMARKS

INVESTIGATOR: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Exhibit 5

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM STORM WATER DISCHARGE PERMITS

Background

The 1987 amendment to the Clean Water Act required the United States Environmental Protection Agency (EPA) to regulate storm water discharges in the National Pollution Discharge Elimination System (NPDES). Final regulations for permit applications for storm water discharges were published on November 16, 1990. The NPDES regulates storm water discharges from municipal and industrial activities, including mining, inactive mines, and construction sites. Also, for those states and Indian lands where they are responsible for issuing Storm Water Discharge Permits, EPA published NPDES general permits in the September 9, 1992, Federal Register, 57 FR 41176.

States and Indian tribes may apply to EPA for approval to issue permits and administer their own pollution Discharge Elimination System. Most states have done so and are responsible for regulating storm water discharges with EPA providing guidance and oversight. However, in those states or Indian tribes that do not have the authority to issue permits, EPA remains the authorizing agency.

Storm Water Discharge Permits

The agency responsible for abandoned mine land reclamation (OSMRE, state, tribe) must ensure that all applicable permits are obtained.

When obtaining a permit from EPA a Notice of Intent must be submitted two days prior to the commencement of construction and a storm water pollution plan must be developed and implemented. See 57 FR 41176 for detailed instructions.

Specifics for storm water discharge permits will vary by state or tribe. Check with your state agency or EPA representatives to determine the permit requirements for the proposed disturbance.

Emergencies

Emergency action necessary to prevent substantial physical harm to the health, safety, or general welfare of people must not be delayed by procedures for obtaining a storm water discharge permit. After the emergency is stabilized, if a storm water discharge permit is required, that permit must be obtained before any additional work is begun.