



COALEX STATE INQUIRY REPORT - 31

January 4, 1984

Gayle Townley
Deputy Chief Mine Inspector
Department of Mines
4040 N. Lincoln, Suite 107
Oklahoma City, Oklahoma 73105

TOPIC: OPERATOR CERTIFICATION FOR UNDERGROUND MINING; BONDING COSTS; STATE CIVIL PENALTY DATA; AND NOV VARIANCE.

INQUIRY: Under SMCRA Sec. 503(a), in order for a state to obtain primacy under the Act, it must enact state law which provides regulation of surface coal mining and reclamation operations "in accordance with the requirements of [the] Act". Moreover, the state regulatory program must be "consistent with" the federal regulations promulgated under SMCRA. Has there been any interpretation of what constitutes "in accordance with" and "consistent with"?

SEARCH RESULTS:

- (1) Contacted several states (Colorado, Wyoming, West Virginia, Kentucky, Illinois and Arkansas) and the Mine Safety Health Administration (MSHA) concerning operator certification requirements to operate an underground mine. Survey concluded that any specific requirements for underground mining operations are regulated by the individual states. West Virginia's requirements are comparable to Oklahoma. Illinois has an extensive background in mine safety requirements and will be available to explain their procedures.
- (2) OSM reported that East Tennessee State is presently working on a basic nationwide information survey, i.e., number of mines, bonds per acre, etc. -- a gross statistical survey. It is not a states comparison survey and the information is on a voluntary basis. The survey will be available for distribution in approximately a month. Chuck Meyers, at OSM, is coordinating the survey and is available for further details.
- (3) The IMCC distributed a questionnaire in 1984 for states' civil penalty system data. Most of the states are in line with OSM's point system with the exception of Ohio and Pennsylvania. A copy of the questionnaire and several states' reports are enclosed: Indiana, Ohio, Alabama, Kentucky, Virginia, New Mexico, Pennsylvania, Louisiana, Illinois.
- (4) No state has been identified as having received a variance with regard to NOV's.