



COALEX STATE INQUIRY REPORT - 315

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Tawes Building
580 Taylor Avenue, Room C-4
Annapolis, Maryland 21401

TOPIC: SOAP - 507(c)

INQUIRY: Please supply a copy of the final rules for 30 CFR Part 795 - Small Operator Assistance Program (SOAP) which implement the latest amendments passed by Congress. Of particular interest is information on the services covered by the program (services paid for by OSM).

SEARCH RESULTS: LEXIS was used to identify the preamble and federal regulations printed in the Federal Register that implement the SOAP amendments which were part of the most recent AML reauthorization act. A summary of the changes to the SOAP are listed below. The full text of the Federal Register notice is attached.

59 FR 28136 (MAY 31, 1994). Final rule. Abandoned Mine Land Reclamation Fund Reauthorization Implementation. Part 795 Small Operator Assistance Program (SOAP).

28139. III. Final Rules and Disposition of Comments. Part 795 SOAP. General

"The initial authorization for the SOAP at Section 507(c) of SMCRA provided certain technical permitting services for hydrology and overburden and geology for operators annually producing 100,000 tons or less of coal from all locations. These technical services are directly linked to the permitting requirements associated with the determination of probable hydrologic consequences (PHC) and the statement of results of test borings.

"The Abandoned Mine Land Act of 1990 amended Section 507(c) by raising the annual coal production cap from 100,000 to 300,000 tons at all locations for eligibility for the technical permitting services provided under the program.

"The Energy Policy Act of 1992, Public Law 102-486, further amended Section 507(c) by adding enhancements to the program's basic services in order to provide a more



complete permitting package. These enhancements include: Engineering analyses and designs necessary for the PHC; cross-section maps required by the permitting provisions of SMCRA; collection of archaeological and historical information; collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitat and other environmental values; and pre-blast surveys. Furthermore, geologic drilling for the collection of samples associated with the requirements for the statement of the results of test borings is authorized. The Energy Policy Act also reduced the operator's liability period for reimbursement of costs from up to five years or the length of the permit, whichever is shorter, as specified in OSM regulations, to 12 months starting with the date the operator is issued the permit."

ATTACHMENTS

1. 59 FR 28136 (MAY 31, 1994). Final rule. Abandoned Mine Land Reclamation Fund Reauthorization Implementation. Part 795 Small Operator Assistance Program (SOAP).