



# OSM NEWS

U. S. Department of the Interior

Office of Surface Mining

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## ***OSM ISSUES FINAL RULES FOR OWNERSHIP AND CONTROL***

Kathrine L. Henry, Acting Director of the Interior Department's Office of Surface Mining Reclamation and Enforcement (OSM), today announced issuance of final regulations which amend OSM's ownership and control rules. These rules implement the permit-block provision in § 510(c) of the Surface Mining Control and Reclamation Act for coal mine permit applicants who own or control operations with outstanding violations of environmental protection laws.

The final rules were published in the *Federal Register* on December 19, 2000, and become effective on January 18, 2001.

According to Henry, the regulations improve the effectiveness of the surface mining regulatory program and are consistent with federal appeals court decisions handed down in January 1997 and May 1999 that invalidated portions of OSM's previous ownership and control rules.

"These rules are needed," Henry said, "to carry out a major requirement of the surface mining law --- keeping coal mine permits out of the hands of violators and making sure that those responsible for uncorrected violations are not allowed to mine again until they fix the problems they created."

Among other things, the final ownership and control rules:

- implement the court's decisions which limit blocking permits to cases where applicants own or control operations in violation;
- provide new definitions of ownership and control and clarify the scope and applicability of those definitions;

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- continue and expand requirements for regulatory authorities to use AVS during permitting and related processes and to maintain and update AVS. In this respect, the rules largely continue existing regulatory requirements and codify existing regulatory authority practices in using and updating the AVS;
- require regulatory authorities to use alternative enforcement procedures when appropriate;
- and provide additional opportunities for public participation.

“OSM conducted extensive outreach for this rulemaking beginning in late October 1997,” Henry said. “We held public meetings at locations nationwide before the proposed rules had even been drafted. The final rules include input OSM received during the outreach.”

In December 1998, OSM published a proposed rule for public review and comment. After the May 1999 appeals court decision, which further clarified the permit-block sanction in the surface mining law, OSM reopened the comment period to obtain comments on how the court’s decision affected the proposal. The comment period closed on July 7, 2000.

Requests for copies, or for further information, should be directed to Earl D. Bandy, Jr., Office of Surface Mining, Applicant/Violator System Office, 2679 Regency Road, Lexington, Kentucky 40503; telephone (859) 260-8427, or (800) 643-9748; E-Mail: (ebandy@osmre.gov).

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Attachment - Questions and Answers

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