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FYE

 Bob Allen

phone

615-532-0034



National Parks
and Conservation Association

DON BARGER

Southeast Regional Director

615-494-9786

P. O. Box 105, Norris, TN 37857
Telephone (615) 494-9786

MEMO 10/29/92

TO: BOB ALLEN

FROM: DON BARGER

RE: REJECTION OF FCF UNSUITABILITY PETITION

Here's my best (quick) thinking about the response from OSM to the petition.

Major Talking Points:

1. The petition was analyzed by the Eastern Support Center in Pittsburgh instead of the Knoxville Field Office (KFO) of OSM. KFO has been responsible for all previous petitions in Tennessee. OSM will say that Knoxville asked Pittsburgh to do it because they had too much to do. Why, then, did OSM recently announce that they were reducing the staffing at the KFO due to decreased workload?
2. OSM is required to complete its initial review within 30 days with a determination on (a) standing, (b) completeness, and (c) a finding that the petition is not "frivolous". The petition was filed in July; OSM deliberately delayed this rejection, which was generated only after the petitioners wrote to Secretary Lujan complaining about the delay.
3. OSM's return of the petition means that they have determined that the petition is "frivolous". An incomplete petition is handled by requesting supplemental information (see page from Interior Department Directive).
4. This rejection merely reinforces the recent action by the Interior Department on the question of Valid Existing Rights which (had it not been short-circuited by Congress in the Energy Bill) would have opened up parks to mining.

Numbered Comments on the Cover Letter and Detailed Analysis:

1. OSM assumes full compliance with all regulations in doing their analyses. That assumption is at variance with reality. OSM states that they have to assume that the program will be fully enforced. Even if that is true, that does not translate into an absence of violations. Proper enforcement includes taking appropriate enforcement actions. OSM can and should divide the number of violations given by the number of permits given; the resulting "average violations/permit" would be a realistic assumption to use for the purposes of analysis.
2. This is a diversion to avoid having to analyze the potential

of all possible mining in the petition area. OSM "determines" that the petition relates only to surface mining and not to the surface effects of underground mining, which are covered under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The term used by the petitioners in the opening paragraph of the petition ("surface coal mining operations") is defined by SMCRA to include both.

This limiting of the analysis to these two seams is then combined with the dismissal of information in #3 below to dismiss the petition.

3. Here's the big dodge. OSM says that the two study sites in the petition area did not mine the Sewanee seam. We got the list of sites for the study from OSM, so they're either lying to us now or they were lying to us then. Either way, the petition is supported by the results:

a. If they're lying to us now, this is just another weak attempt to avoid the data collected by SOCM and verified by OSM in subsequent field inspections.

b. If they lied to us when they gave us the original information (and there is no Sewanee mining at these two sites) then there are two possible conclusions:

i) If the sites aren't producing acid mine drainage (AMD), that increases the percentage of acid-producing sites in the SOCM study from 83% to ???

ii) If the sites are producing AMD, that supports the designation even more by proving that there are other seams in the petition area that produce AMD.

Either way, the very information that proves the allegations of the petition is simply being twisted and dismissed as irrelevant and "frivolous".

4. OSM seems to be saying here that joint approval is required (not just consultation) for permits which may affect the park. I believe that OSM may have been ordered to go back and complete the technical evaluation of this site. While it is true that an NPDES permit has to be issued by the state, that fact does not give authority to the Dept. of Conservation to deny the permit.

5. Here is a good example of the burden of proof that OSM Pittsburgh would like to see for petitioners. Where's your geologic maps?

6. For future reference, OSM has just said that any mining within the watershed may affect the park. Combine that with #4.

7. SOCM's study showed that AMD was fairly consistently generated from Sewanee seam sites. AMD does not fit into the definition of a "short-term land use".

8. Reinforces #4 and #6.

9. Here's where the broken record responses start. The disturbance of the Sewanee seam during the construction of the dam in the park is, I believe, just this kind of evidence. OSM actually answers their own question on the next page by quoting from the EIS on the Rock Creek petition (in which I was involved):

"OSM is not aware of a specific toxic materials handling plan for the overburden associated with the Sewanee coal seam that has been demonstrated to be effective..."

SMCRA [in Section 510 (b)(2)] requires an affirmative demonstration of exactly that before the issuance of a permit. In spite of the fact that the above finding is still true, AMAX has been issued three permits with predictable results. I would challenge OSM to show me any toxic materials handling plan that has been demonstrated to be effective in the Sewanee seam for the prevention of acid or toxic mine drainage. They can't.

10. The basic fallacy here is that every permitted site that is leaching AMD was determined to be "in compliance with the permitting requirements" of SMCRA. All the sites in the SOCM study had received at least Phase II bond release which means that they were determined to be in compliance with all of the applicable performance standards. They are out there on the ground pouring out acid drainage anyway. That is exactly why this coal is unsuitable for mining.

11. Apparently this does not include the data from actual sites.

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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Eastern Support Center
Ten Parkway Center
Pittsburgh, PA 15220



CERTIFIED MAIL

OCT 22 1992

Mr. Landon Medley
Route 1
P.O. Box 344
Doyle, Tennessee 38559

Dear Mr. Medley:

The Office of Surface Mining Reclamation and Enforcement (OSM) has concluded the completeness review of the petition to designate certain private lands within the Fall Creek Falls State Park and Natural Area's watershed, as unsuitable for all surface coal mining operations. The review of the petition and its supporting allegations included analysis of existing information and data for the area, information and data submitted with the petition, provisions of the Tennessee Regulatory Program, and permit application information submitted previously for mining operations within the watershed.

The petition is being returned because the petition allegations are not sufficiently supported by data and information that tends to establish that surface coal mining operations could not be undertaken within the watershed without causing damage to the human and natural environments pursuant to 30 CFR 942.764.15(a)(3) and 942.769.14(a)-(c). The petition allegations presume that any surface coal mining operations conducted within the petitioned watershed would be conducted without compliance with the permitting requirements and the performance standards as set forth in the Tennessee Federal Program at 30 CFR Part 942. Application of the permitting requirements and the performance standards is significant since mining and reclamation operations are conducted successfully without degradation of the human and natural environments. Allegations indicating that surface coal mining operations will cause adverse environmental impacts to the environment must assume that the operation would be regulated in conformance with the Tennessee Federal Program as set forth at 30 CFR 942.764.13(b)(1)(v). If an applicant cannot demonstrate that mining and reclamation operations can be conducted in compliance with the performance standards, the permit is denied.

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In conformance with the provisions of the Tennessee Federal Program, OSM must consult with various state and Federal agencies prior to rendering a decision on a permit application. This ensures that all environmental resources are adequately protected in the proposed coal mining operation. Furthermore, if OSM's review of a proposed operation indicates that off-site damage may occur, OSM can require the applicant to comply with more stringent standards than are set forth in the Tennessee Federal Program.

A specific example of this action occurred within the petition area when a permit application from Eastern Minerals Inc. (Permit Number 2416), located adjacent to the Fall Creek Falls State Park was denied by OSM in 1986, due to the applicant's failure to demonstrate that the mining operation could be conducted without adversely affecting the publicly owned park. Any future permit applications would undergo the same analysis that requires the applicant to not only demonstrate that the operation can be conducted in conformance with the Tennessee Federal Program, but to demonstrate that the operation will not adversely affect the Fall Creek Falls State Park and Natural Area.

OSM's analysis of the petition area has identified what coal seams exist within the watershed pursuant to 942.764.15(2)(2) of the Tennessee Federal Program. OSM has identified the following coal seams: Lantana; Morgan Springs; Richland; Sewanee; and, the Wilder and Bon Air. Of these coal seams, the only seams that appear recoverable from surface mining methods are the Richland in the Southeastern portion of the petition area and the Sewanee in the Northern portion of the petition area.

The petitioners are requesting that the petition area be designated "as unsuitable for all types of surface coal mining operations." OSM has determined that the allegations and the "supporting evidence" submitted all relate to potential adverse impacts of surface disturbance associated with surface mining and are not related to the surface impacts incident to an underground coal mine.

If this petition is resubmitted, the petition area should be limited to those areas containing surface minable reserves or include the entire watershed and develop allegations and supporting evidence that relates to surface impacts incident to underground coal mining.

The petitioner's submitted a report compiled by Save Our Cumberland Mountains entitled "Down Reclamation Work: A Study of Water Quality at Reclaimed Stripmine Sites in the Sewanee Coal Seam of Tennessee" as Exhibit E. This report was submitted to OSM's Knoxville Field Office in June 1992 for review and comment. The report is currently undergoing

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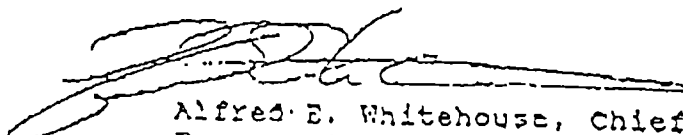
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3 a comprehensive review by the Knoxville Field Office. The report was evaluated, however, with respect to its support of the petition allegations. Only two of the twelve sites presented in the report are situated within the petition area. The Cumberland Mining site (Permit #70-205) and the Rhea Coal Company site (Permit #82-176). Both sites were permitted by the State of Tennessee during the Interim Regulatory Program and neither of these sites involved mining the Sewanee coal seam. The Cumberland site is in the Lantana seam (100 feet above the Sewanee) and the Rhea site is in the Richland seam (40 feet below the Sewanee). These facts are important for several reasons: (1) The sites were permitted and mining was conducted under the Interim Regulatory Program and were not subject to the more stringent permitting requirements and performance standards of the Permanent Regulatory Program which is now in effect; (2) Neither of the sites situated within the petition area involved mining the Sewanee coal seam. Although any existing water quality problems at the sites are of serious concern to OSM, the sites do not support allegations pertaining to the Sewanee coal seam; and, (3) OSM does not have enough information on the geology or the mine sites to determine what the site characteristics were before or during the mining operation. The materials encountered during the operation and how they were handled to prevent adverse impacts to the water quality of the area are critical information not provided in the report. Given these facts, OSM has determined that this report does not support the petition allegations since the factual information presented is unrelated to the Sewanee coal seam and that mining did not occur under the Permanent Regulatory Program.

The enclosed "Allegations Review" explains why each allegation lacks serious merit and what must be done to support the allegations if the petition is resubmitted.

Any questions or comments with respect to this review should be addressed to Jim Taitt at (412) 937-2106.

Sincerely,


Alfred E. Whitehouse, Chief
Program Support Division

Enclosure

cc: Deputy Director, Operations and Technical Services
Assistant Director, Field Operations
Director, Knoxville Field Office

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FALL CREEK FALLS STATE PARK
AND NATURAL AREA UNSUITABLE
PETITION

ALLEGATIONS REVIEW/ANALYSIS

Introduction

The Office of Surface Mining Reclamation and Enforcement (OSM) has decided to return this petition because the allegations are not supported by evidence indicating that surface coal mining operations conducted under the Tennessee Federal Regulatory Program would require an unsuitability designation to protect the human and natural environment. This review considered all of the information submitted with the petition as supporting evidence, existing data and information that OSM has with respect to the petition area, the permitting requirements and performance standards of the Tennessee Federal Regulatory Program. The analysis assumed that "...contemporary mining practices required under the applicable regulatory programs would be followed if the area were to be mined" as set forth at 30 CFR 942.764.13(b)(1)(v).

Background

Section 522(c) of the Surface Mining Control and Reclamation Act (SMCRA) allows any person having an interest which is or may be adversely affected, to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations. Since a Federal program exists in Tennessee, the Secretary of the Interior is responsible for designating lands as unsuitable for surface coal mining operations. Specific procedures for processing a petition to designate lands within the State of Tennessee are set forth at 30 CFR 942.764. The Secretary of the Interior has delegated this responsibility to the Director of OSM.

Section 522(a)(2) of SMCRA sets forth that an area shall be designated as unsuitable for all or certain types of surface coal mining operations if it is determined that reclamation pursuant to the requirements of SMCRA is not technologically and economically feasible. Section 522(a)(3) of SMCRA sets forth that an area may be designated as unsuitable for all or certain types of surface coal mining operations if such operations will: "(A) be incompatible with existing state or local land use plans or programs; or (B) affect fragile or historic lands in which such operations could result in

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significant damage to important historic, cultural, scientific, and aesthetic values or natural systems; or (c) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products; or (d) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology." The petition in this case requests that the designation of the Fall Creek Falls watershed in Van Buren and Blount counties, Tennessee, be made on the basis of criteria cited above under Sections 522(a)(2), 522(a)(3)(A), 522(a)(3)(B) and 522(a)(3)(C) of SMORA.

Fall Creek Falls Petition

The petition includes four primary allegations, covering the complete watershed of Fall Creek Falls State Park, including Cane Creek, Piney Creek and Fall Creek, encompassing an approximate area of 36.6 square miles. The allegations are as follows:

1. The petitioned area must be designated unsuitable for surface coal mining operations because reclamation is not technologically and economically feasible.
2. The petitioned area should be designated unsuitable for surface coal mining operations because mining the area would be incompatible with existing state or local land use plans or programs.
3. The petitioned area should be designated unsuitable for surface coal mining operations because mining the area would affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific or aesthetic values.
4. The petitioned area should be designated unsuitable for surface coal mining operations because mining the area would affect renewable resource lands in which the operations could result in a substantial loss or reduction in long-range productivity of water supply or of food or fiber products.

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These allegations are presented with various suballegations and various exhibits of data and information to support designating the area as unsuitable for all surface coal mining operations.

ALLEGATION REVIEW AND ANALYSIS

Allegation I. The petitioners allege that surface coal mining operations within the watershed will result in "effluent limits for mine discharge water established by OSM for ordinary circumstances allow, and in fact state-of-the-art reclamation cannot prevent, changes in water chemistry, changes in pH, increase siltation, and changes in stream flow, all of which would have a direct adverse impact on the streams inside the Park." This allegation is supported by a letter from the Tennessee Department of Conservation regarding a proposed mining operation in the Cane Creek watershed (Exhibit C). The mine location is immediately adjacent to the Fall Creek Falls State Park.

④ Analysis. The referenced letter was submitted in response to a permit application submitted by Eastern Minerals Inc., for a proposed underground coal mine located immediately adjacent to the State Park. OSM denied permit issuance on July 2, 1986 due to adverse impacts to the park caused by noise. OSM did not perform a complete technical analysis of the permit application because the state had already informed OSM through the consultation process that it would not provide the required concurrence for permit issuance due to potential adverse impacts to the park. This letter does not present any information or data indicating that the Fall Creek Falls watershed is unsuitable for mining because it is not technologically and economically feasible.

⑤ No supporting data or information is either referenced or produced that supports the allegation that OSM must designate the entire Fall Creek Falls watershed as unsuitable for mining because reclamation is not technologically and economically feasible. The petitioners also did not indicate whether minable coal reserves exist within the petition boundary and where they are located if they exist.

The petitioners must present evidence to support their allegation that surface coal mining operations cannot be conducted within the petition area because it is not technologically and economically feasible. This evidence must indicate how the Tennessee Federal Program and the consultation process with any other Federal, State and local agencies with jurisdiction over the petition area, will not

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provide adequate protection from any adverse impacts that mining operations may cause within the petition area and that mining is, therefore, technologically and economically unfeasible.

Allegation II. The petitioners allege that surface coal mining operations would be incompatible with existing state or local land use plans or programs. To support this allegation a number of suballegations and supporting evidence were submitted. To address this allegation, an analysis of the suballegations follows.

Suballegation 1. The petitioners indicate that state regulations provide for the creation of buffer areas to protect "Natural Resource Areas, including Natural Areas" and that the Management Plan for the Fall Creek Falls State Park indicates that "the state plans include the purchase of land both upstream and downstream of the park 'to provide adequate protection of park resources and to give defensible boundaries'". The petitioners allege that mining within the watershed would undercut the ability of the state to create and maintain this buffer area (Exhibit D).

⑥ Analysis. Section 522(e)(3) of SMCRRA prohibits surface coal mining operations "which will adversely affect any publicly owned park...unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park..." Additionally, Section 522(e)(5) prohibits surface coal mining operations "within three hundred feet of any...public park..." The effect of SMCRRA is that the Fall Creek Falls State Park and the adjacent three hundred feet buffer zone is already designated unsuitable for mining operations unless the State of Tennessee would jointly approve a mining operation with OSM. Any future mining operations would have to be approved after consultation with the State of Tennessee and other Federal agencies since any activity/development within the watershed may have an adverse impact on the park. However, with no current applications pending for a surface coal mine within the watershed, it can not be determined whether a proposed surface coal mining operation would adversely affect the park without an accurate description of what the mining operation would involve.

Although the land use plan for the park establishes as a goal to purchase additional adjacent properties within the Cane Creek watershed (page 27), until the land is acquired and added to the park, no direct correlation exists between the management plan and the petitioners allegation that mining operations within the watershed is incompatible with

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the land use plan. In fact, the management plan acknowledges that timbering operations are ongoing within the Cane Creek watershed (page 27) which demonstrates that multiple land uses in the area may not be incompatible with the park's land use plan. Other land uses within the watershed include private residences and agricultural use as well as timbering. Although these land uses may not be conducive to management of the park, they exist throughout the petition area in a non-regulated manner. Any surface coal mining operations that may occur within the watershed would be conducted in conformance with the Tennessee Federal Program. Surface coal mining operations, if approved and conducted under the Tennessee Federal Program, are short-term land uses and upon reclamation would be returned to a land use that was of equal or higher value prior to mining.

7 The petitioners must present supporting evidence that surface coal mining operations are incompatible with land use plans or programs that currently exist for the petition area. This shall also include any land use plans or programs that exist for the petition area outside the park boundaries that restrict or prohibit surface coal mining operations as a land use within the petition area.

Suballegation 2. The petitioners allege that mining within the watershed would have a direct impact on the water quality of the streams and would damage the aquatic biota and water chemistry which would be in "direct conflict" with the mission of the park in the protection of the natural habitat of the park area (Exhibit D).

8 Analysis. As discussed in the analysis for allegation 11, suballegation 1, any proposed surface coal mining operations within the petition area would have to comply with the permitting requirements and the performance standards of the Tennessee Federal Regulatory Program and would require consultation with the State and other Federal agencies before any mining operation could be permitted within the watershed. Specifically, if the applicant could not demonstrate that the mining operation would not adversely affect the park, the permit would be denied.

The petitioners must present supporting evidence that surface coal mining operations would result in adverse impacts on streams within the watershed, given the permitting requirements, performance standards and the consultation process of the Tennessee Federal Program.

Suballegation 3. The petitioners indicate that the Fall Creek Falls State Park and Natural Area is a high usage area for public recreation which is directly attributable to the

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various water falls within the park. The petitioners allege that any "further degradation or discoloration of the water flowing over these falls or interruption of the water flow caused by mining would be in direct conflict with existing state plans to maintain this site as a tourist attraction and a money-making enterprise" (Exhibit D).

Analysis. See response to allegation II, suballegation 1 and 2.

(9) The petitioners must present supporting evidence that surface coal mining operations would result in adverse impacts on streams within the watershed, given the permitting requirements, performance standards and the consultation process of the Tennessee Federal Program. Specifically, what unique characteristics exist within the watershed that would prevent the provisions of the Tennessee Federal Program from protecting the watershed against any adverse impacts associated with surface coal mining operations.

Suballegation 4. The petitioners indicate that the Sewanee coal seam underlies the petition area and that mining within this seam has "consistently led to acid mine drainage, despite attempts by the most diligent mining companies and OSM to avoid such water degradation...and since methods used by the coal industry and OSM do not accurately predict acid mine drainage within the Sewanee coal seam, any mining within the watershed would place the streams in the park at risk". The petitioners allege that any degradation of the streams would be in direct conflict with the state land use plan (Exhibits D, E, F, G, H, I and J).

(10) Analysis. The permitting requirements and the performance standards of the Tennessee Federal Program require the protection of ground- and surface-water quality by handling earth materials and surface runoff in a manner that minimizes the formation of acidic and/or toxic drainage and its impact on ground- and surface-water systems. For mining to occur within the petition area, all operations would be required to be in compliance with the permitting requirements and the performance standards of the program.

As OSM has indicated previously in the Rock Creek Petition Evaluation Document (OSM-PE-8, page IV-10) it has been demonstrated that conventional overburden mixing and backfilling techniques will not be adequate to prevent formation of acid and/or toxic mine drainage when the Sewanee coal seam is mined, even in cases where the routine net acid-base account indicates sufficient neutralization potential. This seemingly contradictory situation arises because the neutralizers present are not carbonates; they

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and silicate minerals that react too slowly to neutralize acid material formed in a dynamic, oxidizing-leaching system typical of certain overburden materials. Special techniques are required for minimizing the formation of acid and/or toxic mine drainage following mining of the Sewanee seam and would include the treatment of acid- or toxic-forming materials with alkaline materials in conjunction with the selective placement and isolation of those materials in backfilled areas.

OSM is not aware of a specific toxic materials handling plan for the overburden associated with the Sewanee coal seam that has been demonstrated to be effective, but OSM believes that it is technologically feasible for an applicant to develop an approvable plan that demonstrates that the material can be handled and placed without causing any adverse impacts to the hydrologic balance. At a minimum, an applicant submitting a permit application to mine the Sewanee seam within the petition area would have to demonstrate following:

1. That toxic materials can be segregated and stored separately from the remainder of the overburden;
2. That toxic materials could be treated or contained during temporary storage and permanently placed in a manner to prevent the formation of acid and/or toxic drainage;
3. That at least four feet of non-toxic, non-acidic material be placed over the acid- and/or toxic-forming material;
4. That adequate drainage can be provided to prevent saturation of and discharge from the acid- and/or toxic-forming material; and,
5. That relatively impermeable materials can be provided to reduce infiltration.

If the applicant cannot make these demonstrations during the permitting process, then OSM would not approve the permit.

Although OSM is responsible for the issuance of a surface coal mining permit, the applicant must also obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Health and Environment if a point source discharge is proposed as a part of the surface mining operation. The Tennessee Department of Health and Environment's current policy is to not issue NPDES permits within the Fall Creek Falls watershed. Under the Memorandum of Agreement between OSM

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and the State, OSM must process SMCRA permit applications concurrently with the State's processing of NPDES applications. If, during the NPDES review, the State determines that an NPDES permit will not be issued, OSM will not proceed with the SMCRA permit review.

The petitioners must present supporting evidence that surface coal mining operations could not be conducted under the provisions of the Tennessee Federal Program without causing adverse impacts to the hydrologic regime, that in turn, would adversely affect the Park and conflict with the land use plan for the park. In addition to the permitting requirements and the performance standards, OSM can require the operator to comply with more stringent standards if the cumulative hydrologic impact assessment (CHIA) indicates that the mining operation may cause damage to the hydrologic balance may occur as a result of the coal mining operation.

Suballegation 5. The petitioners indicate that any mining operations within the watershed would "lead to an increase of large trucks on roads used by visitors to reach the park, including State Highway 284, Old State Highway 111 and State Highway 111". The petitioners allege that this increased traffic would lead to a decline in the road quality, thus making the park less accessible to visitors (Exhibit D).

Analysis. OSM's analysis of this allegation is limited to those roads that would be under OSM's jurisdiction and include haul roads permitted as part of any surface coal mining operations. Should coal trucks use county or state roads, enforcing the vehicle speed, weight, and other requirements related to public safety would be the responsibility of the respective State and local highway and law officials.

Suballegation 6. The petitioners indicate that a portion of the petitioned area includes an area under study by the National Park Service for inclusion into the Trail of Tears National Historic Trail. The petitioners allege that mining within the watershed would be incompatible with the proposed trail and that the area would be adversely affected since scenic values and qualities would be disturbed (Exhibits A, D and K).

Analysis. SMCRA prohibits surface coal mining operations within the boundaries of the National System of Trails as set forth in Section 522(e)(1) and at 30 CFR 942.761.11(a). Therefore, if the section of the petitioned area where the National Trail of Tears is proposed is incorporated into the National System of Trails, surface mining operations would be prohibited.

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Moreover, the area under study by the National Park Service for inclusion into the Trail of Tears National Historic Trail is currently designated as a State Scenic Route (page 9 of the Park's management plan), therefore, any surface coal mining operations proposed within this corridor would require the joint approval of Tennessee and OSM before a permit could be issued.

Finally, the trail corridor traverses areas throughout the State of Tennessee that are highly developed as well as pristine areas. If surface coal mining operations would occur adjacent to the corridor, this short-term land use and any subsequent short-term impacts would not be any different than land uses along other segments of the trail.

The petitioners must provide supporting evidence that the provisions of the Tennessee Federal Program and consultation with other State and Federal agencies would not adequately protect the area of the proposed trail from any adverse impacts associated with surface coal mining operations.

Suballegation 7. The petitioners indicate that the Tennessee Wildlife and Resource Agency (TWRA) considers the watershed as prime habitat for turkey and otters. The petitioners allege that any surface coal mining operations within the watershed will have "a direct and negative impact on this agency's long-term plans to use the area as a turkey and otter habitat" (Exhibits L, M and N).

Analysis. The petitioners are assuming that surface coal mining operations are incompatible with wildlife and their habitats. The permitting requirements require the applicant to submit detailed information on the types of fish and wildlife within the permit and adjacent areas, as well as information on their habitats. This information is reviewed by OSM in consultation with the Tennessee Wildlife Resources

Agency and the U.S. Fish and Wildlife Service so that protection and enhancement of the wildlife and their habitat is provided during the mining operation and after reclamation of the permit area. If the land use of the proposed mining operation is wildlife habitat then the postmining land use of the area must either be wildlife habitat or of a higher valued land use.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program and the required consultation with the U.S. Fish and Wildlife Service and the Tennessee Wildlife Resources Agency would not protect wildlife stocking programs and their associated habitats

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from any adverse impacts associated with surface coal mining operations.

Suballegation 8. The petitioners indicate that Cane Creek is a stocked trout stream and that any degradation of the water quality would adversely affect this stocking program, therefore, mining would be incompatible with state land use plans (Exhibits O and Q).

Analysis. As discussed in allegation III, suballegation 4, no surface coal mining operation will be permitted within this watershed unless the applicant can demonstrate to OSM and other State and Federal agencies that mining operations can be conducted within the watershed without adversely affecting the hydrologic balance.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program, including the consultation requirements with other agency's, would not protect fishery stocking programs and their associated habitats from any adverse impacts associated with surface coal mining operations.

Allegation III. The petitioners allege that the petitioned area should be designated as unsuitable for surface coal mining operations because mining would affect the fragile or historic lands and that significant damage to important historic, cultural, scientific or aesthetic values would result. To support this allegation, a number of suballegations and supporting evidence were submitted. To address this allegation, an analysis of the suballegations follows.

Suballegation 1. The petitioners indicate that the petitioned area contains two species of mussels that are on the Federal Endangered Species List and that mining within the watershed would be "extremely detrimental to these particular species as well as to a wide variety of other aquatic wildlife". The petitioners allege that mining would result in mine water discharges into the streams that would affect the water chemistry, changes in pH, increase siltation, and alter stream flows, thus threatening the endangered species (Exhibits R, S and T).

Analysis. As discussed previously in allegation 2, suballegation 4, no surface coal mining operations will be permitted within the watershed unless the applicant can demonstrate that no adverse impacts would occur to the hydrologic balance within the watershed. This demonstration

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would include protection of any threatened or endangered species that may exist within the watershed.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program and consultation with State and Federal agencies would not adequately protect the species and their associated habitats that may be listed on the Endangered Species List from any adverse impacts associated with surface coal mining operations.

Suballegation 2. The petitioners allege that mining within the watershed would "have a severe adverse impact on a number of rare floral species, some of which are classified as endangered or threatened" (Exhibit D).

Analysis. The permitting requirements require the applicant to submit detailed information on the floral species within and adjacent to the permit area. This information is reviewed by OSM, with consultation with other State and Federal agencies, to determine if the information is accurate and to determine if any threatened or endangered species exist within the proposed area of operations. If it is determined that such species do exist, either within the permit area or on adjacent lands, a mitigation plan will be incorporated into any permit that may be issued that requires the operator to conduct no operations that may jeopardize the species or their habitats. Therefore, any identified floral species on the threatened or endangered species list that are located within the petition area would be protected under the permitting requirements and the performance standards of the Tennessee Federal Program.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program, including the required consultation on any species proposed or listed on the Endangered Species List with the appropriate agency, would not adequately protect any floral species from any adverse impacts associated with surface coal mining operations.

Suballegation 3. The petitioners indicate that streams flowing through the park support a wide variety of wildlife and that Cane Creek is classified as an "environmentally sensitive stream". The petitioners allege that any mining operations within the watershed would result in changing the water chemistry, changing the pH, increase the amount of siltation, alter stream flows, all of which would result in significant damage to the wildlife habitat (Exhibits I, P and Q).

OCT-23-92 FRI 16:39

P. 15

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P.21/24

Analysis. As discussed previously in allegation 2, suballegation 4, any surface coal mining operations must comply with the permitting requirements and the performance standards of the Tennessee Federal Program, as well as meet the state standards to acquire an NPDES permit, prior to the issuance of any permit application. If the applicant cannot demonstrate that the operation can be conducted without adversely affecting the streams within the watershed, OSM will not issue the permit.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program would not adequately protect the surface water systems from any adverse impacts associated with coal mining operations.

Suballegation 4. The petitioners allege that the proposed Trail of Tears National Historic Trail and numerous other sites, including "possible burial grounds" would be damaged if mining was conducted within the watershed (Exhibits X and U).

Analysis. As discussed in allegation 2, suballegation 6, the proposed Trail of Tears corridor is already protected. Protection of any historic, cultural or archeological resources is required by the permitting requirements and the performance standards of the Tennessee Federal Program. The applicant must submit detailed information to OSM with respect to identification of any known resources within the permit area in consultation with the State Historic Preservation Officer and any other local agencies that may have any information. If any such sites are identified, either during the permitting process or encountered after mining operations are underway, OSM will consult with the SHPO to determine what mitigation measures must be employed so that the artifacts, burial mounds, etc., are not adversely affected. Therefore, protection of any "possible burial grounds" is provided by the Tennessee Federal Program and the consultation process with the Tennessee SHPO.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program, including the consultation process, would not adequately protect the corridor of the proposed Trail of Tears and any associated burial grounds that may exist within the area from any adverse impacts associated with coal mining operations.

Suballegation 5. The petitioners allege that mining within the watershed would result in noise and dust adversely affecting the park and that blasting would be audible from within the park (Exhibits V and W).

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P.22/24

Analysis. OSM acknowledges that any surface coal mining operation permitted within the watershed will produce mining related noise. Whether that noise adversely affects the Fall Creek Falls State Park will largely depend on where the mining operation is located within the petition area with respect to the park and what type of operation is permitted. Noise related to a mining operation would be assessed during the permitting process. If it was determined that noise would adversely affect the park, OSM would require the applicant to develop a plan that would minimize any adverse impacts related to noise.

With respect to dust, an applicant must submit a dust control plan for the permit area and any haulroads that demonstrates that no adverse affects to the environment will occur as a result of dust. Additionally, other dust mitigation measures can be required by State or local authorities to minimize other air quality related impacts occurring outside the permit area.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program will not provide adequate protection from any noise or dust associated with any coal mining operation.

Suballegation 6. The petitioners allege that noise and dust from mining operations would seriously impact residents within the petition area, since the solitude, peace and quiet of the area would be disturbed (Exhibit V).

Analysis. As discussed in allegation 3, suballegation 6, the applicant must demonstrate that no adverse impacts will occur within the petition area related to noise or dust.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program will not provide adequate protection from any noise or dust associated with any coal mining operation that may disturb the solitude, peace and quiet of the area.

Suballegation 7. The petitioners indicate that even if permitting requirements are complied with under the Tennessee Federal Regulatory Program, that violations do and will occur and that "even with the most frequent inspections, the damage is often done once the violation is found". The petitioners allege that mining operations will result in damage to the environment and that OSM's "evaluation of the environmental impacts of mining in the petition area should begin with an assumption that SMCRA limitations are likely to be violated in a manner consistent

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with other surface mining operations within the Sewanee coal seam" (Exhibits E, F, G, H, and X).

Analysis. This suballegation requests that OSM ignore its statutory and regulatory responsibilities and assume that the permitting requirements, performance standards, and inspection requirements would not be applicable to any future mining activities that may occur within the petition area. OSM does not have the authority to select this request as a decision option.

① The petitioners must submit allegations and supporting evidence that the provisions of the Tennessee Federal Regulatory Program will not adequately protect the natural and human environment within the Fall Creek Falls watershed if mining operations were to occur within the petition area.

Allegation IV. The petitioners allege that the petition area should be designated unsuitable for surface coal mining operations because mining would affect renewable resource lands in which the operations could result in a substantial loss or reduction in long-range productivity of the water supply or of food or fiber products. To support this allegation, two suballegations and supporting evidence were submitted. To address this allegation, an analysis of the suballegations follow.

Suballegation 1. The petitioners indicated that water in Cane Creek is used as drinking water by users of the park. The petitioners allege that if mining operations are conducted within the water shed that contamination of the stream will occur, thus rendering it unusable as drinking water (Exhibits V and W).

Analysis. As discussed in allegation 2, suballegation 4, the applicant has to demonstrate that no impacts will occur to the hydrologic balance. If the applicant cannot make this demonstration, the permit will not be issued. Therefore, the hydrologic regime, including usage of the streams for drinking water, will be protected from any adverse impacts to the watershed as a result of surface coal mining operations by the Tennessee Federal Program.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program will not adequately protect the water supply within the Park from any adverse impacts associated with surface coal mining operations.

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Suballegation 2. The petitioners indicate that Cano Creek and Piney Creek are used as recreational areas for swimming. The petitioners allege that if mining occurs within the watershed that degradation of the streams will occur, thus limiting or prohibiting these streams as swimming areas (Exhibit V).

Analysis. As discussed in allegation 2, suballegation 4, the applicant has to demonstrate that no impacts will occur to the hydrologic balance. If the applicant cannot make this demonstration, the permit will not be issued. Therefore, the hydrologic regime, including usage of the streams for swimming, will be protected from any adverse impacts to the watershed as a result of surface coal mining operations by the Tennessee Federal Program.

The petitioners must submit supporting evidence that the provisions of the Tennessee Federal Program will not adequately protect the hydrologic balance within the Park from any adverse impacts associated with surface coal mining operations.



U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

Subject Number:

REG-24

Transmittal Number:
416

Date: 1/29/88

Subject: Processing Petitions to Designate Lands as Unsuitable for Surface Coal Mining Operations and Termination of Previous Designations

Approval:

John V. Christensen

Title: Director

1. Purpose. This directive establishes policy and procedures for the Office of Surface Mining Reclamation and Enforcement (OSMRE) to use in processing petitions to have Federal lands and non-Federal lands in Federal Program States designated as unsuitable for all or certain types of surface coal mining operations, or to have such a designation terminated.

2. Definitions.

a. EIS. Environmental Impact Statement, required by section 102(2)(C) of NEPA.

b. NEPA. The National Environmental Policy Act, which requires the consideration of environmental impacts of Federal actions.

c. FED. Petition evaluation document, the public document that OSMRE prepares to meet the requirements of section 522(d) of the Surface Mining Control and Reclamation Act (SMCRA). If OSMRE determines that an EIS is required for the proposed designation, the FED satisfies the requirements of both SMCRA and NEPA (FED/EIS).

d. Headquarters Coordinator. The staff person in the Branch of Environmental and Economic Analysis who is assigned as Headquarters lead on a petition and works closely with the field staff responsible for the analysis and decision processes, as determined by the AD/FO.

3. Policy/Procedures.

a. Policy. Petitions to designate lands as unsuitable for surface coal mining and reclamation operations shall be processed in accordance with 30 CFR Part 769 for Federal lands (Part 764 for non-Federal lands in Federal program States) and this directive. When a petition is received with both Federal and non-Federal lands in a primary State with no cooperative agreement, OSMRE shall process the petition only to the extent that it includes Federal lands and refer the petitioners to the State for the non-Federal lands.

SMCRA requires that a public hearing on the petition be held within ten months after the regulatory authority receives the petition. If the petition as originally submitted is determined to be complete, the ten-month time period for the hearing shall be considered to start on the date when OSMRE received the petition, not when OSMRE made the determination of completeness.

I SKIPPED A NUMBER OF PAGES
HERE'S THE SECTION

(2) Petitions to Designate Non-Federal Lands in Federal Program States as Unsuitable.

* (a) Initial Processing. Within 30 calendar days of receipt of a petition to designate certain non-Federal lands in Federal program States as unsuitable for surface coal mining operations, or a petition to terminate a previous designation, the Assistant Director, FO, shall determine whether the petition is complete and not frivolous, using the criteria of 30 CFR 764.13(b) or (c) and 764.15(a)(2). If the petition is determined to be frivolous, it shall be returned to the petitioner with a written statement of the reasons for rejecting it.

The Assistant Director, FO, shall also determine whether the petitioner(s) has the right to petition, under 30 CFR 764.13(a). If the petitioner(s) does not have standing, the Assistant Director, FO, shall return the petition with a written explanation of why it is being rejected.

* If the petitioner(s) has the required standing under 764.13(a) and the petition is not frivolous but incomplete, the Assistant Director, FO, shall request the petitioner in writing to submit supplementary information.

If the petitioner(s) has the required standing and the petition is not frivolous and is complete, or when the requested supplementary information is received, the petition is accepted for further review.

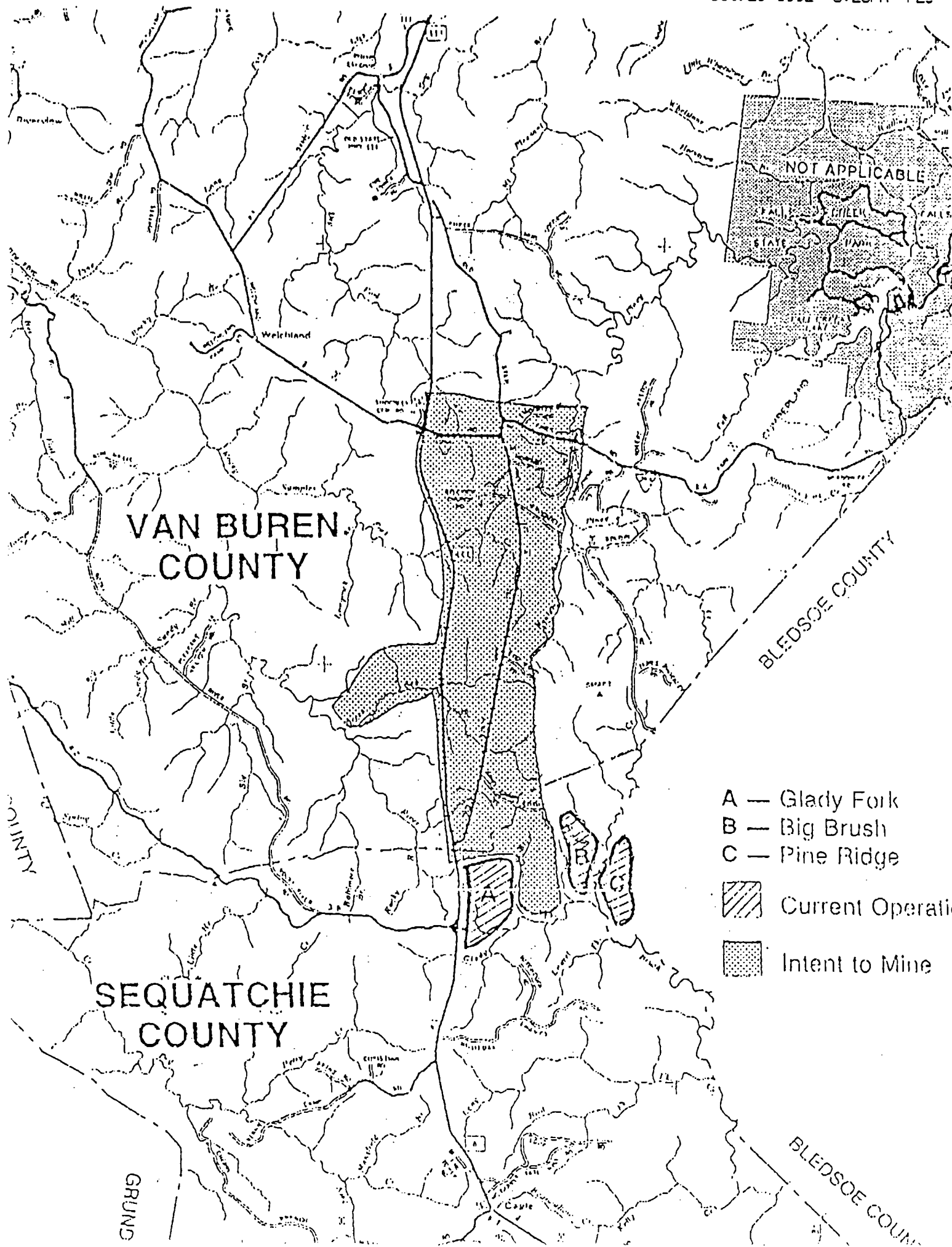
(b) Notifications. Upon receipt of a petition and determination that the petitioner(s) has standing and that the petition is not frivolous, the Assistant Director, FO shall send a copy to the Assistant Director, PP, who then appoints a Headquarters Coordinator.

Immediately upon determining that the petition is complete, the Assistant Director, FO, shall notify the petitioner(s), by certified mail, and the Headquarters Coordinator.

Within two weeks of accepting the petition, the Assistant Director, FO, shall also send a copy of the petition to and request relevant information from the following:

1. The authorized officer of the land management agency, if any, asking for a recommendation.

2. Other interested governmental agencies (including the Governor's Office, where appropriate), potential intervenors, the petitioner, and any person known to have an ownership interest in the property subject to the petition.



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Photographs by Reuters

Surveying the Damage

Queen Elizabeth II examining the damage to Windsor Castle, including St. George's Hall, left, from the fire on Friday. Page 10.

TODAY'S SECTIONS

Arts and Leisure/Section 2

More (and faster) than ever, television movies are tapping tabloid headlines for real-life crimes and misdemeanors.

Book Review/Section 7

"JFK: Reckless Youth," the first volume of a life of John F. Kennedy, is more than the story of a rake's progress; but it is that as well.

Business/Section 3

It's pink-slip time for the white-collar set, and the changed reality of the 1990's

Magazine/Section 6

Bill Clinton's roommate at Oxford, Frank Aller, had brains, humor and ambition. But he gave up the pursuit of prizes to protest the Vietnam War. In 1971, he shot himself, his friends say, over a decision that had ruined his life.

Real Estate/Section 10*

Regional Weeklies/Section 13†

Sports/Sunday/Section 8

College basketball preview.

Television/Section 12*

Travel/Section 5

Winter in the Snow: The thrill of the hill from Vermont to Verbier, Switzerland, with a listing of ski resorts where you can either save or splurge.

The Week in Review/Section 4

Employment Advertising/Section 11*

* Distributed in New York City and the

...ance's interests, our agriculture, our economy, our rural way of life," he said, adding that "the result of this negotiation will affect us for a long time."

But the Prime Minister also stressed that, while the community's executive commission was authorized to negoti-

Continued on Page 14, Column 1

U.S. Mine Inspectors Charge Interference By Agency Director

By KEITH SCHNEIDER

Special to The New York Times

DUNLAP, Tenn. — Federal mining inspectors here and in five other states say the head of the agency that oversees the \$20 billion coal industry has repeatedly interceded on behalf of coal companies to thwart enforcement of the law regulating strip mining.

The inspectors, who head regional offices of the Office of Surface Mining, Reclamation and Enforcement, said in interviews that the director, Harry M. Snyder, had ordered them to end investigations of violations, reduce fines, eliminate penalties, divert prosecutions and prevent inspections. Such intervention, they said, has also made them reluctant to enforce the law aggressively.

The inspectors as well as several ranking officials in the Office of Surface Mining said Interior Secretary Manuel Lujan Jr. knew of Mr. Snyder's actions and, by not interfering, in effect sanctioned them.

The employees question the propriety of Mr. Snyder's interference as well and, in some cases, the legality of what has occurred.

Mr. Lujan has been a staunch advocate of eliminating restrictions on developing the nation's coal, mineral, oil and timber resources. He indicated as much in September, when he traveled to Norton, Va., for a speech to coal

Continued on Page 30, Column 1



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U.S. Mine Inspectors Complain of Interference by Their Agency's Directors

(Continued From Page 1)

Industry executives and at a news conference later, when he discussed what he expected from the strip mining agency and other Interior Department divisions. He was quoted at the time as saying: "We don't want to be a regulatory agency. We want to be a development agency on our national lands."

Mr. Lujan would not respond directly to repeated requests for comment on the inspectors' assertions. Steven Goldstein, a spokesman for Mr. Lujan, said the Interior Secretary was carrying out the Bush Administration's overall goals. "The Secretary is briefed on major actions which occur in the department," said Mr. Goldstein. "He does not micromanage the way the bureaus are run. He could have been aware that there were disputes involving these companies, but he did not give directions as to how these disputes should be resolved."

Mr. Snyder, who has directed the Office of Surface Mining Reclamation and Enforcement since 1989, said the attacks on his leadership were undeserved and came from employees jockeying for position in the Clinton Administration. "What's the point of this exercise?" he asked in an interview. "I'll be out of here in a few weeks. The whole thing makes me sick."

Seeking Clinton's Attention

The inspectors said they chose to make their accusations public to draw the attention of President-elect Bill Clinton to a pollution problem that they believe can be eliminated if they are allowed to enforce the strip mining law. The law, adopted in 1977, sets rigorous standards on the operation of strip mines and the protection of streams from erosion and drainage from the requirements on how coal companies fill in the mines after their work is completed. And it sets standards on what land can be mined and what land cannot.

"The strip mining law was one of the most important environmental laws ever passed by this country," said Willis L. Gainer, 44 years old, a career employee who is branch chief in the Knoxville, Tenn., office of the Office of Surface Mining Reclamation and Enforcement. "But under Reagan and Bush we never had the support from Washington that we needed to be a strong regulatory agency. It's gotten worse in the last year. Maybe that will change in the Clinton Administration."

Tensions of 12 Years

To some extent, the inspectors' decision to talk about the mining office's that have built up over the last 12 years between political appointees and career employees in all the Government's environmental agencies.

The tensions have been especially acute in the Office of Surface Mining, mainly because the office played a central role in President Bush's campaign strategy to increase jobs in rural areas by accelerating the development of mineral resources.

This policy was developed by Mr. Lujan, and he began to execute it in July 1989, by proposing that more than 40 million acres of park, national forest and private lands be opened to strip

Act, the mining inspectors said. Last February, for example, two Federal inspectors in Wyoming were dispatched from the strip mining agency's regional office in Casper to investigate an incident at the Arch Minerals mine near Rollins in southern Wyoming. The mine, owned in part by Ashland Oil Inc., Kentucky's largest corporation, had been cited and fined \$22,500 by the state for mining too close to a reservoir.

The Order: 'No Action'

Guy Padgett, the director of the Casper field office, sent his inspectors to determine if the violation was serious enough to warrant an order to shut down the mine. But the company heard

Seeking Clinton's help with a problem.

about the impending inspection, called Mr. Snyder and after the Federal agents arrived, company executives told them to check with their home office before they took any action, Mr. Padgett said.

As the agents awaited further instructions, Mr. Padgett called Mr. Snyder in Washington. "He told me that on the basis of discussion he had already had with the company, he did not believe an imminent harm existed and no action should be taken," Mr. Padgett said in an interview. "I protested to the director that I felt that was my decision to make. I didn't appreciate his field and I wasn't going to make a decision until they got finished."

But Mr. Padgett said he obeyed Mr. Snyder's order, and directed his agents to return without issuing an order.

Mr. Snyder said in the interview that his action on behalf of Arch Minerals was a normal part of his job. "It was a paper work violation and somebody else," he said. "I intervened. Does the title director indicate anything?"

Blood-Red Streams

Here, on the ridges overlooking the Sequatchie Valley 125 miles southwest of Knoxville, Tenn., it is easy to find streams the color of dried blood, the result of iron seeping from operating and abandoned strip mines. Moreover, the water is so acidic from sulfur, manganese, aluminum and other heavy metals seeping from the mines that fish cannot survive and stream banks are scoured clean of plants.

"The animals won't drink it; not even the dog will drink out of it," Raymond Brown, a retired 63-year-old mechanic, said as he walked along the edge of Smith Creek, which runs behind his home in Brayton, east of here.

In Kentucky, 80,000 of the 100,000 acres of abandoned mines that awaited cleanup before 1977 have still not been reclaimed, according to state figures.

A study earlier this year of 12 mines in Tennessee by Save Our Cumberland Mountains, an environmental

mine, a huge shovel tears at the Cumberland Plateau, heaving aside tons of rock and earth to lay bare a seam of black coal.

Fish and Plants Destroyed

But mixed with the discarded dirt and rock are deposits of sulfur and iron, manganese and aluminum that with moisture form a red acid brew that finds its way into streams and destroys fish and plant life for miles downstream. The Federal strip mining law was meant to eradicate it, but countless mountain streams in the mining regions of West Virginia, Kentucky and Tennessee have been polluted in this way.

Last July, after the streams around the Skyline mine turned red, Federal inspectors from the Office of Surface Mining's Knoxville office ordered the mine closed until the company came up with a plan to stop the pollution. The stop-work order, one of the strongest penalties available to Federal officials, followed more than two years of effort by the Knoxville office to compel Skyline to deal with the problem.

Under the strip-mining law, when a stop-work order is issued the company must either eliminate the problem or judge to resume operation. Such relief can be granted, though, only if the company can prove that continuing to mine will not harm the environment.

But three days after the stop-work order was issued, say mine inspectors here, Skyline was back in business without having gone to court or having taken care of the problem. Federal officials in Knoxville were directed by their superiors in Washington to lift the order, an action that meant Skyline and its 60 employees could continue mining more than 1,400 tons of coal, valued at more than \$38,000, a day.

How Strip Mining Advances Pollution of Waterways

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July 13, 1992

Charles A. Wagner III, Esquire
Wagner, Myers & Sanger
Attorneys at Law
Post Office Box 1308
Knoxville, Tennessee 37901-1308

Re: Skyline Coal Co. v. OSM

Dear Charlie:

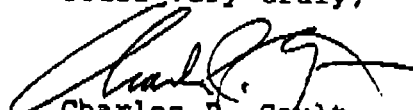
This letter will serve to embody the terms of OSM's agreement with your client which was reached this afternoon by telephone conference. Specifically, the terms of OSM's offer which were extended to your client and accepted by your client through you are:

1. OSM agrees to suspend the effect of CO No. 92-092-081-001 for a period of approximately three weeks up to a date three working days after the new date scheduled for the temporary relief hearing in order that OSM may reevaluate its position on this matter.
2. OSM agrees that no civil penalty has been assessed or will be assessed in conjunction with the subject CO for the period from July 9, 1992, until such time as the suspension is lifted.
3. This agreement is without prejudice to the position of either party, and, by entering into this agreement, OSM is making no concessions regarding the merits of the CO or Skyline's request for temporary relief, pending the outcome of its reevaluation.
4. This agreement is subject to the approval of the administrative law judge assigned to the case; however, pending his approval OSM will not enforce the subject CO.

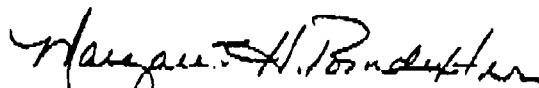
*his
CO will
until
now?*

This letter serves as the entire agreement between the parties this evening and may not be modified except by mutual agreement and in writing. Please advise me if this is your client's understanding of the agreement. We remain

Yours very truly,



Charles P. Gault



Margaret H. Poindexter
Staff Attorneys

MHP/CPG/vdd

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
HEARINGS DIVISION
710 LOCUST STREET, SUITE 116
KNOXVILLE, TENNESSEE 37902

In re:

Skyline Coal Company
Applicant,

V.

Office of Surface Mining
Reclamation and Enforcement
(OSMRE)

Respondent.

Permit No. 2896

Docket No. NX 92-33-R

Application for Review
and Temporary Relief

Cessation Order No. 92-092-081-001

Post-Net brand fax transmittal memo 7671		2	
To	Don Baegel	From	M. Rindetter
Co.		Co.	
Dept.		Phone	245-4321
Fax	494-0426	Fax	545-4314

ORDER APPROVING AGREEMENT AND ALLOWING INTERIM TEMPORARY RELIEF

Upon joint motion of the parties, good cause having been shown and it appearing that the temporary stay of the effectiveness of Cessation Order No. 92-092-081-001 will allow time to enable the Respondent to reevaluate its position on this matter, it is hereby ORDERED as follows:

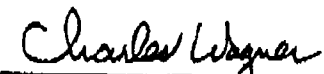
1. The Agreement as embodied in the letter dated July 13, 1992 from Respondent's counsel to Applicant's counsel, a copy of which is attached as Exhibit 1 to the Joint Motion to Approve Agreement, is APPROVED.
2. The temporary relief hearing scheduled for July 16, 1992 is CANCELED, and such temporary relief hearing is RESCHEDULED for August 10, 1992.
3. In accordance with the agreement embodied in the letter attached as Exhibit 1 to the Joint Motion to Approve Agreement,

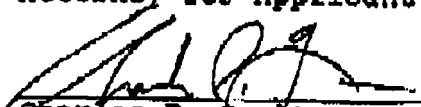
interim temporary relief staying the effect of Cessation Order No. 92-092-081-001 through August 13, 1992, or until the temporary relief hearing is concluded, whichever last occurs, is hereby GRANTED. This interim temporary relief is without prejudice to the position of either party, and, by agreeing to the interim temporary relief, Respondent is making no concessions regarding the merits of the cessation order or Applicant's request for temporary relief, pending the outcome of its reevaluation.

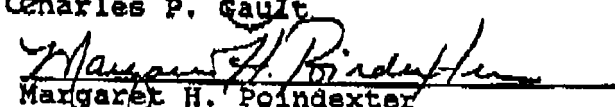
ENTER: This 22nd day of July, 1992.


David Morbett, Administrative Law
Judge

APPROVED FOR ENTRY:


Charles A. Wagner III
WAGNER, MYERS & SANGER, P.C.
1801 Plaza Tower
P. O. Box 1308
Knoxville, TN 37901-1308
(615) 525-4600
Attorney for Applicant


Charles P. Gault


Margaret H. Poindexter

United States Department of the Interior
Office of the Solicitor
Knoxville Field Office
P. O. Box 15006
Knoxville, TN 37901
(615) 545-4315

Attorneys for Respondent

CAW/pa:21505SETTLE ORD

**BRIEFING STATEMENT
STATUS OF TOXIC MATERIALS HANDLING
IN THE SEWANEE COAL SEAM**

NOVEMBER 1992

Mining in the toxic Sewanee coal seam in Tennessee has produced a legacy of damaged streams and contaminated ground water. The current Skyline Coal Company mines in the South Cumberland Region threaten to extend this legacy. OSMRE made this determination of this region in their March, 1985 Environmental Impact Statement (EIS) for Tennessee:

"The Sewanee seam has some highly pyritic zones and a medium to high potential for acid-producing overburden."

(OSM-EIS-18, p. 3-97)

Citizens in the Tennessee coalfields, knowing from experience the results of past mining in the Sewanee seam, filed a petition in September, 1984 to have the Rock Creek watershed in the adjacent region (Walden Ridge South) declared unsuitable for surface mining. After two years of study and deliberation, the Office of Surface Mining (OSMRE) declared the Rock Creek gorge to be unsuitable for all kinds of mining and declared the Sewanee seam in the watershed as unsuitable for mining by conventional methods.

In its September 1986 Environmental Impact Statement (EIS) for the Rock Creek Petition, OSMRE found:

"OSMRE is not aware of a specific toxic materials handling plan for the overburden associated with the Sewanee coal seam that has been demonstrated to be effective, but OSMRE believes that it is technologically feasible for an applicant to develop an approvable plan." [Emphasis added]

(OSMRE-EIS-22, p. IV-10)

The Surface Mining Control and Reclamation Act of 1977 demands that:

"No permit or revision application shall be approved unless the application affirmatively demonstrates...that the

applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accomplished under the reclamation plan contained in the permit application." Sec. 510(b)(2) [Emphasis added]

The next plan for handling this toxic material associated with the Sewanee seam was proposed by RITH Energy. The Tennessee Congressional Delegation was instrumental in gaining the involvement of the Environmental Protection Agency in the review of this experimental plan. Recognizing the importance of this plan to the findings in the EIS, EPA concluded:

"As you can see, the current state of knowledge regarding the conceptual design contained in the TMHP [toxic materials handling plan] is such that more questions have been generated by its proposal than existed prior to its conception. Since any TMHP in this area has the potential to be precedent setting, any approved plan must be supported by close examination and study, or by demonstration that similar proposals have proven effective in other locations." (May 19, 1988) [Emphasis added]

"Based on the available information we do not believe that implementation of the proposed toxic materials handling plan will achieve the desired results of protecting surface or ground waters from acid leachate... As such, conclusions in the AEA (amended environmental assessment) that a saturated condition will not develop in the backfill around the pods, that little or no toxic leachate would be generated on the site if the applicant properly implements the plan, or that potential adverse impacts have been reduced to a level of non significance do not appear warranted. Unless the serious concerns with the proposed plan that we have identified can be adequately addressed, we question the appropriateness of a FONSI determination for this project." (EPA letter to OSMRE, August 9, 1988)

The RITH Energy plan was denied on September 6, 1988.

Since that time, no other company has been able to demonstrate an effective plan in the Sewanee seam. Most of the mines that OSM has permitted in the Sewanee seam since this time are currently producing acid and/or toxic drainage.

The plan currently proposed by Skyline Coal Company at its Gladys Fork Mine has not been demonstrated to be effective anywhere else and no other plan has been demonstrated to be effective on the Sewanee seam. We concur with the concern of the Knoxville Field Office that this experimental plan could produce a "widespread problem" of ground water contamination. No further mining on this seam should be allowed until the demonstration required by SMCRA has been made.

Date: October 30, 1992
Topic: environment
Subtopic: parks and forests
Synopsis: skyline coal company

Aide's Initials: pdm PCD: Item #: pls assign
Enclosure: no

I share your concern over the allegations that the Skyline Coal Company is continuing to mine on Cagel Mountain in violation of a cease order. I have asked my staff to look into this matter, and I will continue to monitor developments in this area very closely. You may be assured that I will work to protect our precious natural resources.

MEMORANDUM 11/10/92

TO: PAM McELWEE

FROM: DON BARGER

RE: SKYLINE COAL COMPANY; ISSUES

Here's my best quick thinking after consulting with SOCM. This situation is a prime case of the Bush administration's reckless disregard for the environment. Amax is being allowed to continue to mine (we believe) illegally in toxic-producing rock strata:

1. Without a valid permit. Skyline's permit has run out and they cannot get a renewal while they have an outstanding violation on the site. OSM appears to be politically hamstrung and is allowing continued mining.
2. Without a valid toxic materials handling plan. OSM issued a Notice of Violation for the Skyline site in September, 1991, but extended the abatement period 10 times before finally issuing the required Cease Order (CO) in July 1992. Within two working days, the Knoxville Field Office was ordered by OSM in Washington to enter into an agreement not to enforce the mandatory CO. The resulting "Interim Temporary Relief" has no statutory basis. See the attached development on the "Status of Toxic Materials Handling in the Sewanee Seam". The mining of this material without a successful plan could contaminate surface and ground water for decades.

SOCM would ask Senator Gore to:

1. Challenge the "Interim Temporary Relief" agreement entered into by OSM and OSM's decision to allow Amax to mine without a valid permit after the former permit expired in August.
2. Ask that mining at the site be (properly) suspended until Skyline can demonstrate a toxic materials handling plan to be effective (as required by law).
3. Ask for an investigation of the inappropriate administrative pressure applied by OSM Washington on the Knoxville Field Office.
4. As in the RITH Energy situation, ask that EPA be allowed to review this precedent-setting plan prior to any decision by OSM. We believe that this is critically important in order to prevent OSM from trying to create a "quick fix" by forcing the approval of an inadequate toxic materials handling plan.

OSMRE HANDLING OF THE MINING OF TOXIC MATERIALS AT THE SKYLINE COAL COMPANY GLADY FORK MINE

In the mid-1970's, Amax Coal Company sought a permit to stripmine several thousand acres atop the Cumberland Plateau in Tennessee. The company was unable to get the necessary water quality permit from the State of Tennessee due to concerns about the impacts of the proposed operation on water quality in the region. From 1986 through about 1988, Skyline Coal Company, a wholly owned subsidiary of Amax Coal Company, has been granted 3 permits to mine in this same area in the Sewanoc coal seam, a total of about 1300 acres. We understand that a fourth permit has been submitted.

Using both new data and data from the original Amax application in 1975, Skyline received a permit for the Gladly Fork Mine (OSM 2896) in 1986 over the objections of Save Our Cumberland Mountains. Based on the data submitted, OSM determined that toxic mine drainage would not develop. On September 28, 1990, in response to an inspection by State inspectors, OSM discovered toxic drainage seeping from the site and issued Notice of Violation (NOV)# 90-092-081-004 failure to minimize disturbance to the hydrologic balance and failure to prevent material damage outside the permit area. OSM required Skyline to come up with a plan to mitigate the damage from the mined portion of the site and a toxic materials handling plan for the unmined portion of the site. Even though OSM acknowledged that the site was producing toxic mine drainage, they allowed Skyline to continue to mine for over 21 months (between 70 and 80 million cubic yards of spoil material by State estimates) without an approved toxic materials handling plan. The NOV received 10 extensions of the required abatement period. All incentive for the company to develop and implement an effective (and, therefore, more costly) plan was thereby removed. Finally, on Thursday, July 9, 1992, with only approximately 66 acres left to mine of the Gladly Fork site, the Knoxville Field Office (KFO) of OSM issued the long-overdue Failure to Abate Cease Order (CO), in order to get a "handle" on the situation before the site was completely mined out.

On Monday, July 13, 1992, due to the direct intervention of the Washington office of OSM and the Solicitor's Office, the KFO was ordered to enter into an illegal agreement which essentially suspended the mandatory enforcement of the CO and the mandatory penalty, allowing the company to resume mining at midnight that night. SOCM filed an Amicus Curiae brief with Judge David Torbett asking that the agreement be set aside. A Temporary Relief hearing was scheduled in July, but was then postponed (more than once) until September 30th. With all incentive removed, Skyline set about the task of mining the remainder of the Gladys Fork site without an approved toxic materials handling plan. In addition, Skyline's permit has expired and they cannot get a permit renewal while this CO is outstanding. Nonetheless, OSM is allowing Skyline to continue mining without a valid permit. No action was taken on the Amicus filed by SOCM. An aerial overflight about a week after Skyline resumed mining demonstrated that the site continued to cause off-site impacts. (Videotape available)

The administrative hearing on the issuance of the CO has dragged on for over a month while Skyline has been allowed to continue to mine without an approved toxic materials handling plan or a valid permit.

FAX11/10/92TO: PAM McELWEE

FROM: DON BARGER

RE: SKYLINE COAL CO.

PAGES: 5 FOLLOW COVER.

IMPORTANT: FOR RELEASE THIS A.M.

PAM,

HERE'S THE INFO. YOU REQUESTED. I ALSO HAVE A GREAT DEAL OF DOCUMENTATION THAT I CAN FAX TO YOU. I'LL BE AT 615/494-9786 TODAY.

SEVERAL YEARS BACK, SEN. GORE WAS INSTRUMENTAL IN GETTING E.P.A. INVOLVED IN LOOKING AT THE RITH ENERGY TOXIC MATERIAL HANDLING PLAN. THIS WAS ESSENTIAL IN ORDER TO PREVENT O.S.M. FROM APPROVING AN INADEQUATE PLAN. I ALSO HAVE THOSE RECORDS.

PLEASE FAX ME A COPY OF YOUR RELEASE. MY FAX # IS 615/494-0426.

WE ARE GRATEFUL FOR SEN. GORE'S ASSISTANCE.

Don



United States Department of the Interior

OFFICE OF SURFACE MINING

RECLAMATION AND ENFORCEMENT
WASHINGTON, D.C. 20240



OCT 20 1992

545-4064

Honorable Albert Gore, Jr.
United States Senator
9 East Broad Street
Cookeville, Tennessee 38501

Dear Senator Gore:

Thank you for your letter of September 9, 1992, addressed to George Miller, Field Office Director, Knoxville, Tennessee, concerning your constituent's interest in the Office of Surface Mining Reclamation and Enforcement (OSM) decision to order cessation of operations at the Skyline Coal Company (Skyline), which is a subsidiary of AMAX Coal Company.

When the Gladly Fork mine permit application review was completed in 1987, the data submitted did not indicate any potential for impacting the hydrologic balance of the area. However, the mine began to develop water quality problems in 1990, and a Notice of Violation (NOV) was issued to the Skyline mine because uncontrolled iron seeps originating from the mine were impacting Gladly Fork Creek. Because of the iron seeps, OSM ordered Skyline to submit revisions to their permit to address both short-term and long-term plans to treat existing seeps and prevent the formation of additional toxic drainage. OSM reviewed several iterations of an abatement plan over the past year; however, after a number of time extensions, OSM determined that the proposed significant revision remained technically inadequate.

The Sewanee is the primary coal seam being mined in the southern Cumberland Plateau of Tennessee. OSM is aware of the problems associated with the mining of this seam and is taking steps to resolve current problems and prevent future occurrences of similar problems.

There has been no experimental mining practice proposed by Skyline as indicated by your constituent. However, if proposed, it would have to meet the experimental practices requirements of 30 CFR 942.785.13 before OSM could approve it.

OSM is the regulatory authority for the review of surface coal mining operations as authorized under the Surface Mining Control and Reclamation Act of 1977. The Environmental Protection Agency (EPA) has deferred to OSM, by regulation, the review of acid/toxic material handling plans related to surface coal mining. The Tennessee

Honorable Albert Gore, Jr.

2

Division of Water Pollution Control, also involved in evaluating the plans, has primary delegation of authority from EPA to enforce the Clean Water Act and ensure that the waters of the state are protected.

The concern was also raised that Skyline is moving toward Fall Creek Falls State Park. Skyline is not mining in a watershed that drains into the Park; therefore, nothing from the mining operations can adversely impact the Park.

Thank you for your interest in this matter. If you need further assistance, please do not hesitate to contact me.

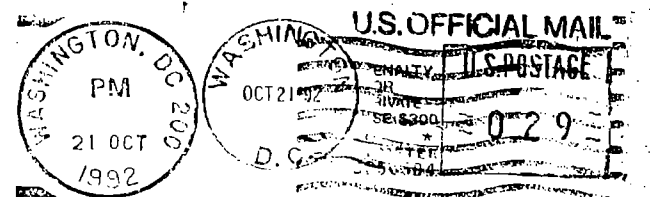
Sincerely,

 /s/ Harry M. Snyder
Harry M. Snyder
Director

cc: [Washington, D.C. Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION
AND ENFORCEMENT
WASHINGTON, D.C. 20240

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

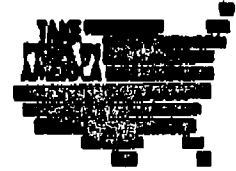


Honorable Albert Gore, Jr.
United States Senate
Washington, D.C. 20510





United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240



MAY 10 1988

In Reply
Refer To:
4360
LLG 2

Honorable Albert Gore, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator Gore:

In response to your letter dated April 7, 1988, expressing your concerns about the acid producing/toxic material handling plan for the Rith Energy site, we are enclosing a copy of the Knoxville Field Office Director's April 29, 1988 memorandum to me. I believe the memorandum adequately addresses your concerns.

Sincerely,


Acting Director

Enclosure



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
530 Gay St., S.W., Suite 600
Knoxville, TN. 37902



April 29, 1988

In Reply
Refer To:
4360
LLG 2

Memorandum

To: Robert Gentile, Acting Director
Office of Surface Mining Reclamation and Enforcement

From: George C. Miller, Director *GC Miller*
Knoxville Field Office

Subject: Toxic Material Handling Plan - Rith Energy, Inc.

This concerns the letter addressed to you from the Honorable Albert Gore, Jr. of April 7, 1988, regarding the review of a plan for handling acid forming/toxic materials at a surface coal mine near the Rock Creek watershed in Blount County, Tennessee.

On January 15, 1988, the Office of Surface Mining Reclamation and Enforcement (OSMRE) received a revision application from Rith Energy, Inc., to include an acid producing/toxic material handling plan in its permit (OSMRE No. 2583). The Rith mine is located in the Crystal Creek watershed. The Crystal Creek watershed, at its closest point, is approximately three miles north of the Rock Creek watershed. The Rock Creek watershed was recently the subject of partial designation by OSMRE as lands unsuitable for certain types of surface coal mining operations, and the environmental resources of the area were described in that environmental impact statement (OSMRE EIS-22).

On April 11, 1988, OSMRE conducted a field site tour of the Rith mine with representatives of the Environmental Protection Agency (EPA). The representatives also attended the informal conference held pursuant to the Rith revision that evening in Pikeville, Tennessee. OSMRE has and will continue to cooperate fully with EPA on this issue.

OSMRE shares the concerns raised regarding the proposed handling of acid producing/toxic forming materials at the mine, and is appropriately evaluating the technical merits of the proposed plan which will not be approved unless all the findings required by our regulatory program can be made.

United States Senate

WASHINGTON, DC 20510

May 29, 1988

Mr. Bob Gentile, Acting Director
Office of Surface Mining,
Reclamation and Enforcement
U. S. Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20009

RECEIVED

JUN - 6 1988

RCB

Dear Mr. Gentile:

Thank you for your letter of May 10 (4360/LLG 2) and the attached memorandum concerning the toxic materials handling plan of Rith Energy Company at the Rock Creek Watershed mining site in Bledsoe County, Tennessee.

I was encouraged by the assurance that "OSMRE has and will continue to cooperate fully with EPA on this issue." However, it is unclear to me if the primary concern I raised has been addressed. It is my hope that the Environmental Protection Agency be given an opportunity to review and comment on OSM's environmental assessment of the proposed mining plan before a final decision is made on the permit.

It is my understanding that Rith Energy proposes to handle toxic material by placing it in "pods" created by crushed shale. Many local residents and conservation groups question whether the crushed shale is impermeable enough to seal the material. I do not necessarily oppose such a plan; however, I am interested in ensuring that the plan is safe for the residents and the environment. An EPA review would be helpful in assessing the merits of this proposal and addressing the fears of the residents of the area.

Once again, thank you for your attention to this request. I look forward to hearing from you soon.

Sincerely,

Albert Gore, Jr.
U. S. Senator

AG/wem
enclosure

Don Burger - 615 444-9786

Maureen O'Connell
Soem

615-426-9455.

FAX

11/10/92

TO: PAM McELWEE
FROM: DON BARGER
RE: PHONE CONVERSATION
PAGES: 7 FOLLOW

ATTACHED ARE:

- ① May 10, 1988 response from OSM to Sen. Gore's April 7th letter asking for EPA review of plan & the April 29th memo that was attached.
- ② Sen. Gore's May 29, 1988 response calling OSM's hand on their weasel-worded response.
- ③ A copy of the 2-page agreement that the Knoxville Field Solicitors were ordered to sign.
- ④ A copy of the Order issued by the Judge 9 days later. Amax continued to mine during this 9 day period & continue today.

MEMORANDUM 11/10/92

TO: PAM McELWEE

FROM: DON BARGER

RE: SKYLINE COAL COMPANY; ISSUES

Here's my best quick thinking after consulting with SOCM. This situation is a prime case of the Bush administration's reckless disregard for the environment. Amax is being allowed to continue to mine (we believe) illegally in toxic-producing rock strata:

1. Without a valid permit. Skyline's permit has run out and they cannot get a renewal while they have an outstanding violation on the site. OSM appears to be politically hamstrung and is allowing continued mining.
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→ Thought
had
900 day
extension

Temp. relief
heavy?

SOCM would ask Senator Gore to:

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2. Ask that mining at the site be (properly) suspended until Skyline can demonstrate a toxic materials handling plan to be effective (as required by law).
3. Ask for an investigation of the inappropriate administrative pressure applied by OSM Washington on the Knoxville Field Office.
4. As in the RITH Energy situation, ask that EPA be allowed to review this precedent-setting plan prior to any decision by OSM. We believe that this is critically important in order to prevent OSM from trying to create a "quick fix" by forcing the approval of an inadequate toxic materials handling plan.

United States Senate

WASHINGTON, DC 20510

May 29, 1988

Mr. Bob Gentile, Acting Director
Office of Surface Mining,
Reclamation and Enforcement
U. S. Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20009

Dear Mr. Gentile:

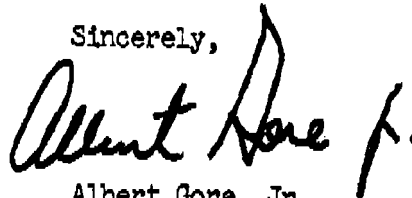
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I was encouraged by the assurance that "OSMRE has and will continue to cooperate fully with EPA on this issue." However, it is unclear to me if the primary concern I raised has been addressed. It is my hope that the Environmental Protection Agency be given an opportunity to review and comment on OSM's environmental assessment of the proposed mining plan before a final decision is made on the permit.

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Once again, thank you for your attention to this request. I look forward to hearing from you soon.

Sincerely,



Albert Gore, Jr.
U. S. Senator

AG/wem
enclosure

ALBERT GORE JR.

(D - Tennessee) SR 393 Russell Building, Washington, D.C. 20510

FOR IMMEDIATE RELEASE
June 24, 1988

CONTACT: Mike Kopp
(202) 224-4944

GORE ANNOUNCES EPA TO REVIEW MINING PLAN

WASHINGTON -- U.S. Sen. Al Gore has announced that the federal Office of Surface Mining has agreed to allow the Environmental Protection Agency to review its draft environmental assessment before a final decision on proposed mining plan in Bledsoe County.

Gore and U.S. Sen. Jim Sasser requested in April that the Office of Surface Mining allow the EPA to review and comment on its draft environmental assessment of a permit revision for the Rith Energy surface coal mine near the Rock Creek Watershed in Bledsoe County. OSM director, Robert E. Boldt, has notified Gore that his office has agreed to the Senators' request.

"It is my understanding that Rith Energy proposes to handle toxic material by placing it in 'pods' created by crushed shale," Gore wrote in his letter to the OSM. "I do not necessarily oppose such a plan; however, I am interested in ensuring that the plan is safe for the residents and the environment."

Gore requested that the OSM offer the EPA an opportunity to review and comment on its assessment on environmental impact before a final decision was made on the permit revision.

"I am pleased with the OSM's decision to allow the Environmental Protection Agency to review its decision on the Rith Energy site," Gore said. "This review will be a step towards ensuring that the necessary precautions and safeguards will be taken with regard to environmental and human safety."

URGENT ALERT

To: Pam McElwee Fax Number (202) 228-2611
Staff for Senator/Vice-President Elect Albert Gore

2 pages

From: Save Our Cumberland Mountains
(615) 426-9455 (Fax number 615-426-9446)

It is urgent that we know whether we can count on help from Senator Gore on new developments in the Skyline Coal Company situation.

The Situation

On November 10 at your request we alerted you about toxic pollution in Tennessee streams caused by Skyline Coal Company's mining in the toxic Sewanee coal seam in Sequatchie and Bledsoe counties. We also documented interference last July by the Washington Office of Surface Mining (OSM) in Knoxville OSM's enforcement decision to issue a Cease Order to Skyline. This Cease Order had been issued due to both the continued pollution to local streams and the Skyline's not having an approvable Toxic Material Handling Plan (TMHP).

Knoxville OSM was ordered by Washington OSM to enter into an illegal agreement called "interim temporary relief" (there is no mention of "interim temporary relief" in the law or regulations). A hearing on that agreement and on the approvability of Skyline's TMHP started on September 30 and continues to the present. Skyline has been mining throughout this period.

Save Our Cumberland Mountains (SOCM), a 20 year old rural citizens group in Tennessee with members near the Skyline mine site, found out recently that besides being issued an illegal "interim temporary relief" order, OSM has been allowing Skyline to mine without an approved permit. (Skyline's permit expired in August and cannot be renewed due to the issuance of the Cease Order in July.)

SOCM filed a Citizens Complaint on November 23 protesting Skyline's operating without a permit. We understand that because of the Citizens Complaint, Knoxville's OSM office will send a letter to Skyline today ordering them to cease mining because they do not have a permit.

What's at Stake

Last July Skyline, a wholly owned subsidiary of AMAX Coal Company, was able to apply enough pressure to get Washington OSM to overturn Knoxville OSM's issuance of a Cease Order and institute the illegal "interim temporary relief" order. That order has allowed Skyline to mine for almost 5 months without an approved TMHP in Tennessee's most toxic (acid producing) coal seam. We feel sure that when Skyline receives OSM's letter to cease mining because they do not have a permit, the intense pressure on Washington will begin again.

What We Are Asking of Senator Gore

We desperately need assurance that Senator Gore will back good enforcement decisions by OSM and will express concern about the toxic pollution of Tennessee's streams and groundwater. We are asking Senator Gore to do the following:

1. Issue a statement affirming that NO company should operate without a permit and upholding OSM's decision that Skyline should not operate without one;
2. Question the legality of OSM's entering into an "interim temporary relief" agreement that is not mentioned in the Federal law or regulations, and;
3. Express concern over toxic pollution in the Sewanee coal seam and call for a review by EPA (like Sen. Gore did in the RITH Energy case in 1988) of Skyline's proposed TMHP prior to any decision by OSM.

We are hoping that in alerting Senator Gore's office and alerting the press now, the pieces will be in place to prevent Washington OSM from once again succumbing to pressure from Skyline. We hope to be able to say that Sen. Gore helped on this issue -- one that has critical precedent-setting potential for how Tennessee communities and the environment are affected by strip mine operations in highly toxic coal seams.

"All the News
That's Fit to Print"

The New York Times

National Edition
Printed in Great Britain
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Copyright © 1992 by The New York Times Company
All rights reserved. Printed in the United States of America.
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Single copies: 50¢.

VOL. CXLII, No. 47,128

SUNDAY, NOVEMBER 15, 1992

Printed in Great Britain

U.S. Mine Inspectors Charge Interference By Agency Director

By KEITH SCHNEIDER
Special to The New York Times

DUNLAP, Tenn. — Federal mining inspectors here and in five other states say the head of the agency that oversees the \$20 billion coal industry has repeatedly interfered on behalf of coal companies to thwart enforcement of the law regulating strip mining.

The inspectors, who head regional offices of the Office of Surface Mining, Reclamation and Enforcement, said in interviews that the director, Harry M. Snyder, had ordered them to end investigations of violations, reduce fines, eliminate penalties, divert prosecutions and prevent inspections. Such intervention, they said, has also made them reluctant to enforce the law aggressively.

The inspectors as well as several ranking officials in the Office of Surface Mining said Interior Secretary Manuel Lujan Jr. knew of Mr. Snyder's actions and, by not interfering, in effect sanctioned them.

"Development," Not Regulation

The employees question the propriety of Mr. Snyder's interference as well as, in some cases, the legality of what has occurred.

Mr. Lujan has been a staunch advocate of eliminating restrictions on developing the nation's coal, mineral, oil and timber resources. He indicated as much in September, when he traveled to Norton, Va., for a speech to coal industry executives and at a news conference later, when he discussed what he expected from the strip mining agency and other Interior Department divisions. He was quoted at the time as saying: "We don't want to be a regulatory agency. We want to be a development agency on our national lands."

Mr. Lujan would not respond directly to repeated requests for comment on the inspectors' assertions. Steven Goldstein, a spokesman for Mr. Lujan, said the Interior Secretary was carrying out the Bush Administration's overall goals. "The Secretary is briefed on major actions which occur in the department," said Mr. Goldstein. "He does not micromanage the way the bureaus are run. He could have been aware that there were disputes involving these companies, but he did not give directions as to how these disputes should be resolved."

Mr. Snyder, who has directed the Office of Surface Mining Reclamation and Enforcement since 1982, said the attacks on his leadership were undeserved and came from employees jockeying for position in the Clinton Administration. "What's the point of this exercise?" he asked in an interview. "I'll be out of here in a few weeks. The whole thing makes me sick."

Seeking Clinton's Attention

The inspectors said they chose to make their accusations public to draw the attention of President-elect Bill Clinton to a pollution problem that they believe can be eliminated if they are allowed to enforce the strip mining law.

The law, adopted in 1977, sets rigorous standards on the operation of strip mines and the protection of streams from erosion and drainage from the strip mines. It sets up stringent requirements on how coal companies fill in the mines after their work is completed. And it sets standards on what

land can be mined and what land cannot.

"The strip mining law was one of the most important environmental laws ever passed by this country," said Willis L. Gainer, 44 years old, a career employee who is branch chief in the Office of Surface Mining field office in Knoxville, Tenn. "But under Reagan and Bush we never had the support from Washington that we needed to be a strong regulatory agency. It's gotten worse in the last year. Maybe that will change in the Clinton Administration."

Tensions of 12 Years

To some extent, the inspectors' decision to talk about the mining office's internal workings reflects the tensions that have built up over the last 12 years between political appointees and career employees in all the Government's environmental agencies.

The tensions have been especially

Career employees say appointees weakened a law.

acute in the Office of Surface Mining, mainly because the office played a central role in President Bush's campaign strategy to increase jobs in rural areas by accelerating the development of mineral resources.

This policy was developed by Mr. Lujan, and he began to execute it in July 1991, by proposing that more than 40 million acres of park, national forest and private lands be opened to strip mining by coal companies. Last January, Mr. Lujan joined with the coal industry in a lawsuit in a Federal appeals court aimed at dismantling a computer system that was the surface mining office's chief weapon in enforcing the strip-mining law. And in March, Mr. Lujan proposed a rule to weaken the public's long-standing right to block strip mining and other industrial projects on Federal land.

Congress blocked the strip mining proposal in October. The court case involving the computer system is pending, and the Federal lands rule went into effect.

Mr. Snyder, for his part, interceded on behalf of coal companies to prevent his agency's regional offices from enforcing the strip mining law, the Surface Mining Control and Reclamation Act, the mining inspectors said.

Last February, for example, two Federal inspectors in Wyoming were dispatched from the strip mining agency's regional office in Casper to investigate an incident at the Arch Minerals mine near Ruliff in southern Wyoming. Arch Minerals, owned in part by Ashland Oil Inc., Kentucky's largest corporation, had been cited and fined \$72,500 by the state for mining too close to a reservoir.

The Order: 'No Action'

Guy Padgett, the director of the Casper field office, sent his inspectors to determine if the violation was serious enough to warrant an order to shut down the mine. But the company heard about the impending inspection, called Mr. Snyder and after the Federal agents arrived, company executives told them to check with their home office before they took any action, Mr. Padgett said.

As the agents awaited further instructions, Mr. Padgett called Mr. Snyder in Washington. "He told me that on the basis of discussion he had already had with the company, he did not believe an imminent harm existed and no action should be taken," Mr. Padgett said in an interview. "I protested to the director that I felt that was my decision to make. I didn't appreciate his

interference at all. My people were in the field and I wasn't going to make a decision until they got finished."

But Mr. Padgett said he obeyed Mr. Snyder's order, and directed his agents to return without issuing an order.

Mr. Snyder said in the interview that his action on behalf of Arch Minerals was a normal part of his job. "It was a paper work violation and somebody wanted to make trouble for somebody else," he said. "I intervened. Does the title director indicate anything?"

Here, on the ridges overlooking the Sequatchie Valley 125 miles southwest of Knoxville, Tenn., it is easy to find streams the color of dried blood, the result of iron seeping from operating and abandoned strip mines. Moreover, the water is so acidic from sulfur, manganese, aluminum and other heavy metals seeping from the mines, that fish cannot survive and stream banks are scarred clean of plants.

"The animals won't drink it; not even the dog will drink out of it," Raymond Brown, a retired 62-year-old mechanic, said as he walked along the edge of Smith Creek, which runs behind his home in Hixson, east of here.

In Kentucky, 90,000 of the 100,000 acres of abandoned mines that awaited cleanup before 1977 have still not been reclaimed, according to state figures.

'It's Gotten Worse'

A study earlier this year of 12 mines in Tennessee by Save Our Cumberland Mountains, an environmental group in Lake City, Tenn., found that eight were causing severe water pollution in violation of the strip-mining law.

"Back in the late 1970's, when the law was first put into effect, I can remember a period when Federal inspectors in the field did what the law required," said Maureen O'Connell, the director of Save Our Cumberland Mountains. "In the last 12 years, this agency has done everything possible to foil its purposes and it's gotten worse in the last year or two."

Federal inspectors said coal operators had learned that regional offices could be bypassed by appealing for help directly to Washington. That is what has occurred at the Skyline Coal Company strip mine near Dunlap, 40 miles northwest of Chattanooga.

Here at Tennessee's largest strip mine, a huge shovel tears at the Cumberland Plateau, heaving aside tons of rock and earth to lay bare a seam of black coal.

Fish and Plants Destroyed

But mixed with the discarded dirt and rock are deposits of sulfur and iron, manganese and aluminum that with moisture form a red acid brew that finds its way into streams and destroys fish and plant life for miles downstream. The Federal strip mining law was meant to eradicate it, but countless mountain streams in the mining regions of West Virginia, Kentucky and Tennessee have been polluted in this way.

Last July, after the streams around the Skyline mine turned red, Federal inspectors from Office of Surface Mining's Knoxville office ordered the mine closed until the company came up with a plan to stop the pollution. The stop-work order, one of the strongest penalties available to Federal officials, followed more than two years of effort by the Knoxville office to compel Skyline to deal with the problem.

But three days after the stop-work order was issued, say mine inspectors here, Skyline was back in business without having gone to court or having taken care of the problem. Federal officials in Knoxville were directed by their superiors in Washington to lift the order, an action that meant Skyline and its 60 employees could continue mining more than 1,400 tons of coal, valued at more than \$30,000, a day.

Questions on Agreement

The mechanism used to lift the stop-work order was a one-of-a-kind agreement prepared by lawyers for the Government and Skyline and which they named "interim temporary relief." Experts on strip-mining law in and out of the Government said there was no such thing as "interim temporary relief" either in the Federal strip mining law or its regulations.

"Let's put it this way," said George C. Miller, the director of the Knoxville office. "I have serious questions about its legality."

Mr. Snyder said in an interview that he had nothing to do with the effort to help Skyline resume mining. "I didn't even know about it," he said. "If they tell you otherwise, I challenge them to prove it."

But Kevin Feeney, a spokesman for Skyline's parent company, Amax Coal Industries of Indianapolis, the nation's third largest coal company, said the company had urged Mr. Snyder of its troubles in Tennessee through the National Coal Association, the industry's Washington-based lobbying group.

And Mr. Snyder's chief of staff, Tom Williams, said in an interview that he was in the room last summer when James Hemphill, one of the Interior Department's top lawyers (who died of a heart attack in September) discussed the Skyline case with Mr. Snyder and asked for guidance. "Hemphill called Harry," said Mr. Williams. "He asked Harry about specifics about Skyline. Harry told Jim to do what's right."

7-10-92
750330

In 1990 a notice of violation was issued to the Skyline Coal Company (a subsidiary of AMAX Coal Co) because uncontrolled iron seeps were impacting Glady Fork Creek in TN. Office of Surface Mining ordered Skyline to submit revisions to their permit for mining to address plans to treat exisiting seeps and prevent the formation of future problems. Under the 1977 Surface Mining Law, a company has 90 days to abate a violation. If the violation is not addressed, then a cease order to stop mining is issued and fines are levied until the problem is addressed. In the Skyline case, the extension was granted for 10 x the usual period (i.e. over two years)

After the cease order was issued, AMAX filed a appeal thru the Solicitors Office in DC. Thru Harry Snyder (head of OSM) and the chief solicitor of OSM, the extention was granted for AMAX. Normally, this would all go thru the Knoxville field office of OSM, who has the statutory authority to issue extentions or revisions, but they were merely told by Washington how to handle this.

The status now is that a hearing was scheduled due to complaints from citizens. An adminstrative law judge hears this case and then determines whether or not to grant relief to the company from the law or not. (The 1977 Surface Minig Law grants this hearing process for citizens and companies). Skyline is still mining thru out this time period.

Margaret Boardman - Stat. basis for
Agree 615 545-3415 - Gault
Willis Gainer - ⁴³¹⁵plumbing branch.

→ denial of petition for
Fall Creek Falls Park
watershed

Citizen - Save Our Cumberland
Mtn. petition. adm.

Wlin SMA - can have
areas declared unsuitable.
processed in Knoxville
in past.

↓
with Pittsburgh: field solicitor
Charles Gault

Knoxville has authority
to process petition.

SOCM - 2 yr study of sites
on one acid producing stream
8390 of sites supposedly
reclaimed - backfilled, graded
topsoil, growing grass

Phase II - majority are ²⁵⁷₂₀₀₇₀
leaching acid thru ²³₂₂₀ ground.

Buffalo
Co. - SES /

ground H₂O - not streams

Included watershed

1 application right now

Eastern Minerals Milt

↳ Burnos - Knoxville wanted
to deny - sent to DC.

Eastern
Support
Center

150 ft from Cane Creek

Big Falls in park. Jakamp

analogy on

Use some study to delay -

under Knox. doing assessment.

Jeff Wait until election.

Jennick Right before election soon

ltr to Lujan to shake loose

gssi
direct. 30 day period. Has been

3m.

↗ Lighthouse - decided to kick

petition - not denying - signed

* OSM directive. when determination

is made - 3 reasons for
not proceeding.

- 1). Lack of standing
- 2). petition is incomplete
- 3). " " frivolous.

Incomplete - request suppl info. Please provide further info.

Didn't call frivolous, but was not complete. Limbo stage - don't deal with H. Major issue - real acid producing seam in TN.

Now R

Couldn't show - EIS that document o/s cannot demonstrate acid handling plan.

23
13)

Off limits categorically. where can maximize profits.

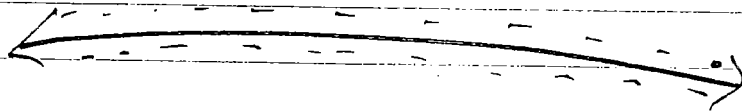
Skylar - AMAX sites - directly adjacent to fall watershed

AMAX - notice of violation.
2 yrs ago. Give 90 days
to abate violate - if not
abated then cease order
to stop mining - 22,500 a
mo / 750 a day until abated.
OSM extended abatement
period 10x. Handling plan
OSM realizing close to
finishing site - no toxic
material handling plan.

→ After issued cease order
AMAX filed normal appeal
thru AZJ - Sol. Office.
from interior to Knoxville
why issued. Humphreys. Sol.
Harry Sydn - OSM
Ordered. Field Solicitors
not enforce it. No
statutory auth. to do at
all.

Mon night - stretched
out hearing - agreement
last under

→ Snyder - ETS for valid
existing rights -
Gene Willis
Thurs: 615-545-4060
615 531-3640 (h)



file reconsideration:
or resubmit petition:
State is concerned about
Bob Allen - TN

denial slopping done

1977 - Federal Oversight
States gain primacy
as least as good as states
States run w/ federal oversight

82 - State took over primary.
~~60cm~~

1984 - TN repealed state
law - thrown to federal
govt. That has completely
fla. program.

2 permits - 1) DSM

2). NPDS water
quality permit.
Coal mining office
within TN Cons.

← Don Owens - (615) - 594-6035 →

United States Senate

WASHINGTON, DC 20510



SOCM is going file citizen complaint
300- ~~Big~~ present mine & Big Brush - jobs
land off. Will attract media attention.

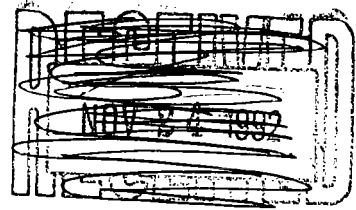
Back off citizen complaint

Louisville, Ky,

THE COURIER-JOURNAL, SUNDAY, JULY 26, 1992

*Before the election
in Nov.*

*ATTN:
HAM*



OSM overrides inspector, lets mine reopen

By MIKE BROWN, Staff Writer

WASHINGTON — Short-circuiting normal procedure, government officials in Washington intervened this month to reopen a Tennessee coal mine that had been shut down by a federal inspector.

The mine was first cited for stream pollution nearly two years ago and has been given numerous extensions to develop an acceptable long-term cleanup plan — something it still has not done.

It is owned by a subsidiary of Amax Coal Industries Inc. of Indianapolis, the nation's third-largest coal producer and an arm of New York-based Amax Inc., a natural-resource company that has 20,000 employees and annual sales of \$3.8 billion.

Top officials of the Office of Surface Mining intervened after Amax complained about its treatment by inspectors in the field.

"I'm unaware of this (kind of procedure) ever happening before," said Bob Harrison, chief of the inspection branch of OSM's staff in Tennessee. "It has never happened before in the Knoxville field office."

Other government personnel agree privately that the response of OSM's Washington headquarters to

★ *The only one who spoke out in OSM before the election.*

See OSM
Page 15, col. 4, this section

Post-it brand fax transmittal memo 7071	
To <i>Buck Miller</i>	From <i>Bob Penn</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

For further verification on this information you may call Mike Brown, Washington Correspondent for the Louisville Courier-Journal at 703-276-5423

*Shirley Harrison's home#
615-986-6751*

OSM overrides its field inspector

Continued from Page One

the enforcement action is unusual.

Kentucky environmental attorney Thomas FitzGerald, in written arguments filed last week with a federal administrative judge in Knoxville, contends the action is contrary to the 1977 strip-mine-control law.

"This is yet another instance in which the agency is acting in what we believe is beyond the scope of its authority," he said in an interview.

Top OSM officials, however, defend the intervention as a proper response to an unusual situation. They insist that allowing the mine to reopen did not endanger the environment.

OSM director Harry Snyder said that he was not involved in the decision to let the mine reopen but that it "sounds pretty reasonable."

Snyder's two deputies, W. Hord Tipton and Tom Williams, and OSM's top attorney in the Department of Interior, James Hemphill, indicated in interviews that they played the leading roles in handling the matter.

"I'm confident we didn't do anything illegal," Williams, a Kentucky Republican who used to be in the coal business, said in an interview.

Unlike most coal states, Tennessee does not regulate its surface mines. OSM took over that responsibility in 1984.

Shortly before the Amax subsidiary's mine was shut down, a group of Tennessee coal-industry representatives, accompanied by Rep. John Duncan Jr., R-Tenn., met with Williams, Tipton and Interior Secretary Manuel Lujan. The Tennesseans complained about what one member of the group, Knoxville attorney Charles A. Wagner III, calls OSM's "over-regulation" of the state's mines.

Wagner, who represents the Tennessee Coal Association and the Amax subsidiary, confirmed that the company's long-running problem with OSM was mentioned during the meeting.

But he said in an interview that it was OSM personnel who brought up the matter and that at the time he was not yet representing the subsidiary, Skyline Coal Co.

A newspaper story about the handling of the mine's shutdown, Wagner said, could be written to make it appear that a big coal company brought pressure on OSM to get special treatment.

"Nothing could be further from the truth," he said, characterizing Skyline as a small operation that has tried to meet OSM

requirements.

In September 1990, after an iron-containing substance seeped into a stream from Skyline's Gladly Fork mine north of Chattanooga, OSM inspectors cited the company. Among other things, Skyline was ordered to get approval for a long-range plan to protect the stream.

An operator has up to 90 days to take corrective action, but that can be extended. Despite numerous extensions, however, Skyline and OSM field personnel failed to agree on a long-range plan for controlling acid drainage from the mine. On July 9 of this year, an inspector issued an order closing the mine for failing to comply with the September 1990 requirement.

The company, following prescribed procedure, immediately appealed. It argued that its short-term measures had eliminated damage to the stream and that continued operation pending OSM's consideration of its proposed long-range plan would do no harm. The company also contended the shutdown jeopardized about 50 people's jobs, as well as the mine's coal contract with the Tennessee Valley Authority.

The appeal was set for a July 16 hearing before an administrative law judge, who under normal procedure would be responsible for granting "temporary relief" by re-opening the mine while the matter was litigated.

But the company got quicker action after contacting OSM's Washington headquarters.

Williams, a political appointee with the title of OSM deputy director for external affairs, said Wagner and someone at Amax called his office after the order to close was issued.

A company representative also contacted the National Coal Association, an industry lobbying group of which Amax is a member. Harold Quinn, who handles surface-mining matters for the association, in turn contacted the agency.

"We were not comfortable with the technical finding" made in the case by OSM field staff, said association spokesman John Grasser. Characterizing Quinn's role as one commonly played by the association for its members, Grasser said, "We simply brought it to their (OSM's) attention."

On July 13, at the direction of Hemphill, OSM's chief Washington attorney, two of his assistants in Knoxville signed an agreement suspending the closure order so OSM could "re-evaluate its position on

this matter." The suspension is to last until the hearing before Knoxville-based Administrative Law Judge David Torbett, which was postponed to Aug. 10.

In addition, during the suspension period, the agreement waived the \$750 fine that the law requires for each day a failure-to-abate order is in effect.

The agreement was made subject to Torbett's approval but provided that in the interim the order would not be enforced. Torbett signed the agreement Wednesday.

In papers filed with Torbett last week, FitzGerald, the Kentucky environmental lawyer, argued that only an administrative judge can suspend a cessation order and then only after a company has presented a convincing case.

If OSM thinks a mining operation should resume, it can modify or terminate the cessation order under certain conditions, but it can't informally lift it through its attorneys, he contended. FitzGerald also argued that the agency has no authority to waive the \$750 daily fine.

Top officials in Washington, however, say the suspension was justified because they needed more time for OSM technical personnel from the agency's office in Pittsburgh to visit the mine, analyze the situation and give their opinion on the adequacy of Skyline's stream-protection proposal.

Tipton, a career OSM employee who is in charge of enforcement, said Amax personnel had criticized the competency of the Tennessee staff. While not endorsing that criticism, Tipton said he was more comfortable getting a second technical opinion before the legal proceedings began.

Hemphill said Tipton told him more time was needed for the Pittsburgh review and that as a result Hemphill told his Knoxville assistants to agree to the suspension.

Hemphill, a former general counsel for Consolidation Coal Co., said it was his idea to waive the fine. He said he had doubts about the way OSM's Tennessee staff had handled the cessation order and "felt the company had a good argument in front of the judge."

Snyder, who has been criticized by environmental groups for favoring industry in this national election year, said that he told the head of the Tennessee staff to handle the Skyline issue as he saw fit and that he has deliberately avoided involvement in the case.

"If you're looking for a smoking gun," he said, "it's not in my drawer."

OSM Deputy Dir

W. Hord Tipton is currently Director of Field Operations

Federal government decreases staff at Tennessee mine-regulation office

By MIKE BROWN
Staff Writer

WASHINGTON — The Tennessee staff of the U. S. Office of Surface Mining, whose recent attempt to close down a surface mine was overruled by the agency's Washington headquarters, is being reorganized, and its inspection chief reassigned to Casper, Wyo.

OSM deputy director W. Hord Tipton said the "realignment," which became public yesterday, has been in the works for six months and is unrelated to the Skyline Coal Co. case.

Tipton said the number of Tennessee mines has decreased considerably in recent years, and the staff changes are required for efficiency.

Skyline, a subsidiary of Amex Coal Industries Inc., has an operation north of Chattanooga that an OSM field inspector ordered closed on July 9 for failing to come up with an approved plan to control toxic drainage.

But after complaints from Amex representatives, top OSM officials ordered a new look by the agency's technical office in Pittsburgh, and in the meantime allowed the mine to resume operations. A July 28 Courier-Journal story about the situation quoted Bob Harrison, the Knoxville-based OSM inspection chief for Tennessee, as saying the intervention was unusual.

Under the new setup, Harrison's job is being abolished and its function taken over by the head of the OSM satellite office in Norris, Tenn. His chief assistant, Steve Webber, is being sent to Washington.

OSM — not the state government, as in most coal states — has primary responsibility for reclamation regulation in Tennessee.

Since 1988, according to Tipton, the number of units subject to OSM inspection has dropped from 832 to 576, and fewer than 50 of those are active mines.

In response to that decline and to federal budget pressures, Tipton

said, the agency is trying to decrease the Tennessee staff, including the previously announced decision to close the satellite office in Chattanooga. There are currently 113 positions in the state.

With all Tennessee inspectors now to be based at Norris, Tipton said, it made no sense to retain Harrison's job in Knoxville.

Shortly before the Skyline mine was closed, a group of Tennessee coal-industry representatives met with OSM officials and Interior Secretary Manuel Lujan to complain about what one member of the delegation called "over-regulation" by the Tennessee staff.

In yesterday's interview, Tipton said that, during the meeting, the industry group made a point of the state's declining coal production and raised the "issue of government cost and efficiency."

But Tipton said the new steps would have been taken regardless of the meeting and were not a reaction to it.

not true
Harrison is only person who was moved.

Tipton

Norrisville, Ky, Courier-Journal
Aug. 21, 1992

Call Mike Brown for Verification
of this information at 803-276-5423
He is the Washington Correspondent for
the Louisville Courier-Journal.

Paul
You can
Call me
at → Shirley Harrison — 615-986-6751
Home #

Dec. 1, 1992
Knoxville TN

Dear Pam,

This Package is a detailed report on the Knoxville Field Office operation under the Current Director, George (Buck) Miller. It was prepared by Hammond Lee, who was in the Knoxville Field Office with my husband, Bob Harrison. Hammond is now in Washington, D.C. OSM Headquarters and has a very honest, accurate view of OSM. I would ask you to call him for any further details concerning policies of the Current Director and his Deputies, W. Ford Tipton and Tom Williams.

Also enclosed is a fact sheet on W. Ford Tipton, who is Current Deputy Director and took credit for reopening the Skyline Mine near Dunlap. He is the most unethical government employee (besides Snyder) at OSM. You can see his past history in the 1982 Regional Office is very questionable as far as his ethical standards, since he was found guilty of the charges of misuse of government property and using a parking card to cheat the City of Knoxville. He will be Acting Director of OSM in all probability after Snyder resigns this month. Please be aware

of the fact that he is a protégé of Harry Snyder's and has been actively involved in all political dealings OSM has had with the coal industry in the past two or three years (1989).

I appreciate having an opportunity to have some input to a team that will change the direction and emphasis of OSM for the betterment of our people and resources.

You can reach Hammond Eve at 208-2782 in Washington - he is eagerly awaiting your office's call. My husband can be reached at 606-233-2896 Mon-Thurs. And at home, 615-986-6751 on Fridays. He is likewise anxiously waiting to talk to someone in the transition / your office. I guarantee your time will be extremely well spent with them. Thanks, Shirley B. Harrison

Ann -
This organizational
Chart of ERM indicates
people who must be reassigned
and removed from positions
of authority due to
their active part
in Bush
Policy making

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of an oversized document(s). Given our digitization capabilities, we are sometimes unable to adequately scan such large documents. The title from the original document is indicated below.

Oversized documents have not been scanned in their entirety for the purpose of digitization. To see the documents please contact or visit the Clinton Presidential Library's Research Room.

Document Title:

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HEADQUARTERS and FIELD OFFICE DIRECTORY**

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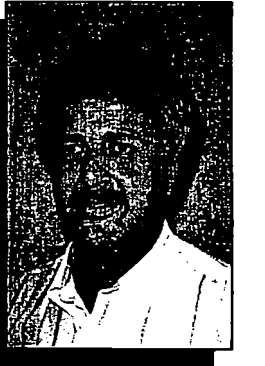
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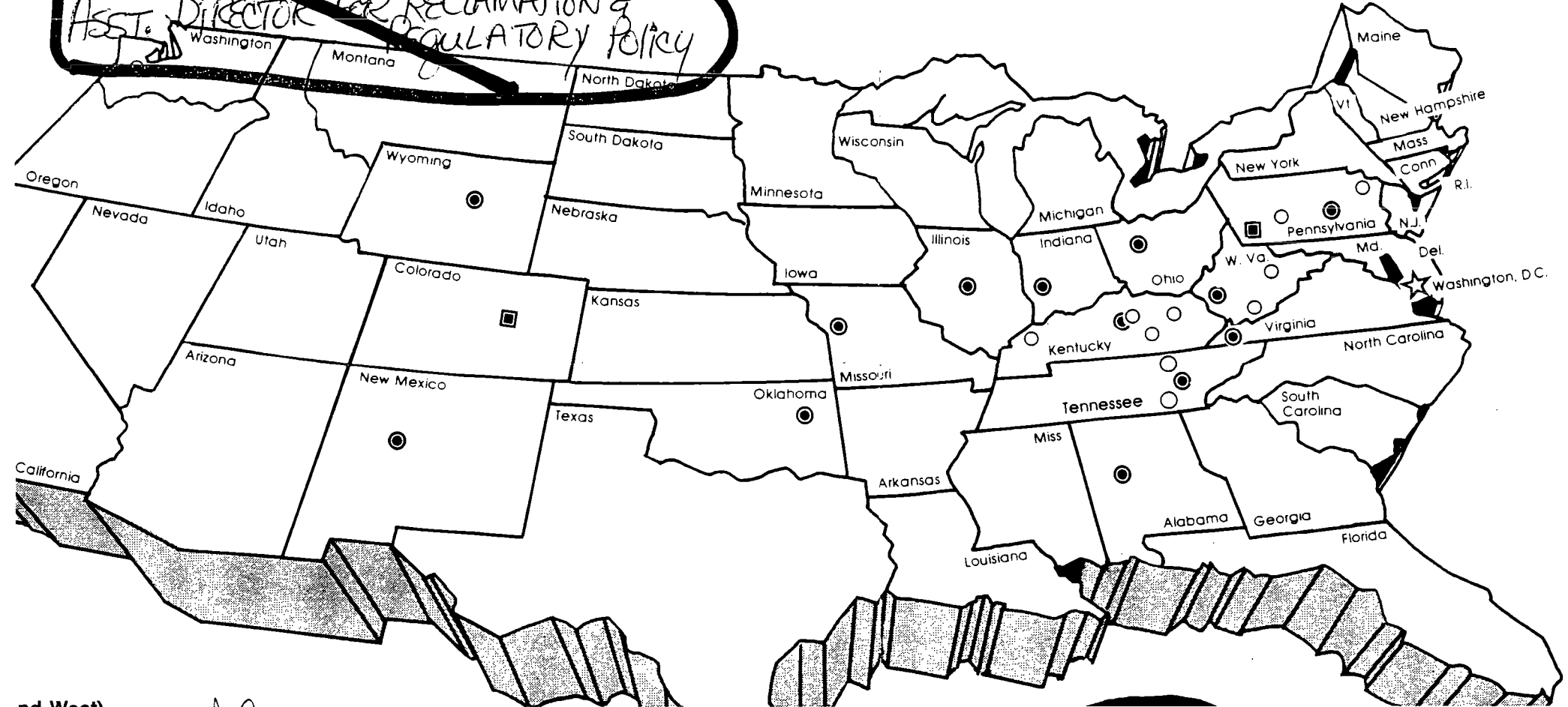
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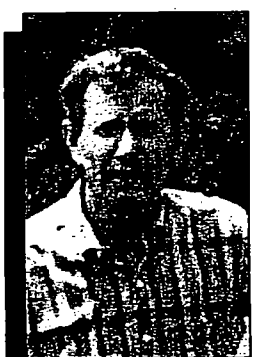
Brewer
Asst. Director of Reclamation & Regulatory Policy
Washington



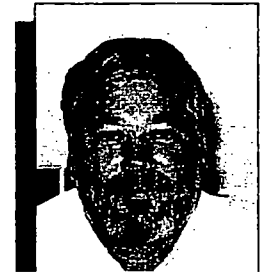
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FAX 217-492-4483



Charleston Field Office (WV)
Jim Blankenship, Director
603 Morris St.
Charleston, WV 25301
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FAX 304-345-4611



Proceedings of Meeting on Management Control Review
of the Federal Program for Tennessee

April 3, 1992

Purpose: Consolidate results of survey that was mailed to all Knoxville Field Office (KFO) personnel on March 18, 1992.

In attendance:
Barbara Desiderio
Lorrie Fulton
Dave Koval
Hammond Eve

There were 43 responses that were received by the requested date, several more trickled in later. These results are a summary of the comments that were recurrent or otherwise significant based on materiality. The responses that met either of these two criteria are listed, followed by the person assigned to investigate the comment. All members in attendance concurred on these results.

1. There is overlap and duplication of responsibilities in KFO. (Knoxville Field Office)
2. Policy and procedures are not easy to understand.
3. Awards are given on a rotational basis.
4. Lack of communication--pervasive.
5. Micromanagement by FOD... (Field Office Director, George C. (Buck-) Miller)
interferes with inspectors, stops NOV's
reduces civil penalties
FOPM-27 not in compliance with SMCRA
OSM should investigate...
 - West Coal Co.
 - Sugar Ridge Coal 2596
 - Horse Creek Coal
 - Jack Walls asset search
 - Walnut Mtn. Coal
 - Meta Elkhorn Tipple
 - Lloyd Coal Co.
6. The permitting division does not have technical evaluation procedures.
7. Of all responses (43+), there was only one positive comment.
8. "Guidelines" are verbal, variable instructions from the FOD.

9. Many assignments are informal.
10. 24 out of 26 who answered stated that there are impediments that prevent them from carrying out their functions as they believe they should. They state that this is due to inefficient/incompetent managers, and to bad management direction.
11. KFO has bad policy implementation--the office should follow the law.
12. Managers change data, technical information, technical findings.
13. [Overwhelming comments from respondents] The coal industry has influence over the FOD, environmental groups are excluded from meetings. Policy meetings are conducted in KFO with industry only--no record of proceedings or attendance but decisions sometimes follow.
14. PC needed for technical people, including software.
15. Failures lead to environmental harm.
16. Staff does not feel they are accomplishing assigned mission due to poor management.
17. There is an inequitable distribution of functions between units.
18. FOD assigns inspectors to sites. The most inexperienced inspectors are sent to the most complex sites, then followed by a seasoned inspector.
19. FOD makes big projects out of minor points and creates a big workload. This is a fake workload.
20. KFO can reduce workforce by 50%. They are only working at 15% capacity.
21. There is much discontent among inspectors due to...
FOD interference
Inspection vs enforcement duplication
Permit revisions
Job satisfaction eliminated through political interference
The perception on enforcement is to back off
22. Sex harassment is going on at the Norris Area Office
23. FOD violation of smoking policy

~~CONFIDENTIAL--CONFIDENTIAL--CONFIDENTIAL~~

ALLEGATION: Certain managers in the Knoxville Field Office are systematically intervening in the permitting process to grant favors to particular mine operators. This is said to be done by...

1. the manager'(s) deleting technical deficiencies identified by the staff and not transmitting them to the applicant and failing to make a record of these changes or to provide a technical or any other basis for such decisions;
2. repeatedly moving revision applications to the "head of the line" for certain operators;
3. pressuring the permitting staff to approve of a plan that is essentially unworkable (requiring over 50 revisions after the permit was issued);
4. requiring in some instances that deficiencies be phoned in and transmitted verbally;
5. requiring same-day approval of revisions for certain operators;
6. requiring that bonds be calculated over and over and over for certain operators;
7. requiring a succession of technical personnel to reevaluate again and again issues raised by these operators;
8. occasional intimidation of inspectors by OSM management where certain mine operators are involved;
9. suggestion from management that certain violations not be written for a favored operator;
10. repeated failure to support effective action to control acid/toxic leachates for certain operators;
11. and making the technical staff defend, at great length, ordinary and prudent engineering practices upon complaints by these operators.

Certain operators have tried to name both the permit reviewers and the inspectors who would handle their applications/operations; in responding to this the FOD by letter to industry admitted that a particular geologist was biased. Policy meetings are conducted at KFO with industry only present; no records of issues, attendance, or decisions are kept.

The favored operators have been named in the questionnaire response and in interviews. They are Brian Bartley (Sugar Ridge), H.E.Hearn (Valley View, Cross Mountain), Roger West (West-co, West Coal), Sequatchie Coal Co, and Skyline Coal Co.

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: MAY **DATE:** 2/28/2017

Specific complaints from KFO staff are as follows:

[REDACTED]--Civil/Mining Engineer--Permitting

1. When a professional engineer attempts to require measures that are ordinary, prudent engineering practices, management says that this is not in the regs and requires that the engineer write up a justification for it. This is simple stuff every engineer learns in school. The "justification" requirement is viewed as an intimidation technique.
2. Certain companies consistently get preferential treatment from management, particularly West Coal and Skyline.
3. We try to do what is right for the environment, but at times get held back.
4. There has been a marked downturn in the past year.
5. The staff integrity is being challenged; we are being driven to feel that we should overlook things.
6. We don't mind the fights with consultants, but we are having to fight management--we don't get support.
7. In our dealing with the small companies, we get no questions from management.
8. Sequatchie is producing iron seeps and mining through ponds [building unlined ponds on spoil]. We were indirectly told to forget it.
9. There is favoritism in the handling of revisions.

[REDACTED] CIVIL ENGINEER--PERMITTING

1. Sugar Ridge, Area #5, Permit No. 2596, had over 50 revisions. About half were to be expected, but the other 25 were due to an unmanageable plan and unrealistic permit we approved.
2. Brian Bartley calls management and insists on immediate approval of revisions. As a result, I have been ordered at different times to...
 - a. Provide same-day or overnight approval
 - b. Handle deficiencies by telephone instead of letter
3. Favoring these particular operators is not being fair to the other operators.
4. I feel that I am "hanging out", that the record of my work under these circumstances is

absent and that I cannot defend my professionalism if the need arises.

5. We caught a lot of flak on Sugar Ridge and Gatliff because we wanted them to justify the use of a dewatering pipe larger than 4". They had an excess of larger pipe they wanted to use, but we had to provide analyses to disprove the workability of their pipe rather than having them submit analyses to show their plan would meet the regulatory requirements.
6. More and more the staff must justify the requirement for prudent engineering practices.

[REDACTED]--CIVIL ENGINEER--PERMITTING

1. Sequatchie [or Skyline] submitted plans to mine through their ponds and reconstruct them on spoil. I told them they could not do that unless they lined the ponds afterward. After I explained why this was necessary, they agreed and complied. However, I then realized that they had made this same error on existing operations. I then wrote an ordered revision to get those problems corrected, but was ordered to desist, and told that the issue of building unlined ponds on spoil was unresolved and that we must submit the question to ESC and await the results of a study before making Sequatchie [or Skyline] make any changes. We already know that ponds on spoil are a problem, so why do we handle it one way one time and then say that at another time that we have to do a study? ✓

[REDACTED]--GEOLOGIST--PERMITTING

1. Brian Bartley runs this office. He walks in any time, without an appointment, without even pausing at Evelyn's desk, and tells Buck what he wants. Then Buck does it. He [Bartley] has tried to discredit me and Buck wrote him a letter admitting that I was biased. I am not biased. My technical findings are sound. [She then presented a 1 inch thick stack of documentation on technical deficiencies that had been deleted by OSM management in regard to a Sugar Ridge permit. She presented a letter from Bartley to Miller [FOD] where Bartley complained of unreasonable and wrong requirements in regard to green sandstone and various other issues. I checked the technical merits of some of these issues with other staff there and found them to be justifiable]. You remember the sandstone with pyritic coal spars that produced acid. We initially said they could not use that material in the underdrain. Well, management deleted that requirement, and said they could not use material with "significant" acid-producing potential. It turned out that the company decided to use limestone, so this issue did not lead to a problem, but management was wrong in making such a change. Brian has complained so much about me that managers here are taking his side. ✓
2. Brian gets instant attention on revisions.

[REDACTED]--GEOLOGIST--PERMITTING

[REDACTED] share an office]

1. I have not been very involved in these issues with Sugar Ridge, but I help [REDACTED] when she needs it, and I kind of stay up with this situation. I can tell you that what is happening to her would be happening to me too if I were the designated reviewer. I fully agree with her technical positions on these issues.
2. I handle a lot of the revisions for Sugar Ridge. The way it is handled is not fair to other operators. I am ordered to set all other revision applications aside and handle Sugar Ridge. I don't dispute management's right to do this on occasion for unusual circumstances, but for Sugar Ridge it happens all the time. Its like having a water main where you put in a valve and shut it off, then build a shunt to the side just for Sugar Ridge. Water in the main pipe quits moving. Its not fair.

[REDACTED]--CIVIL ENGINEER--INSPECTION

1. You remember that plan we developed a couple years ago to prevent landslides. Well, it was finalized and went to Buck in January, 1981. After he had it for a year I asked him whether he was going to approve it. He said he lost it. So, I gave him another copy. He still has not responded.

Reopened Tennessee mine threatens water, experts say

By MIKE BROWN, Staff Writer

WASHINGTON — When top reclamation officials in Washington intervened last month to reopen a Tennessee surface mine owned by a subsidiary of Amax Coal Industries, they said the action did not endanger the environment.

"This is a paper argument right now," Office of Surface Mining Director Harry Snyder said in an interview at the time.

But a close look at the 2-year-old case shows that what's at stake is no technicality. Indeed, if concerns voiced by government technicians in the field are correct, the Amax operation could have a significant effect on the region's water quality for years to come.

The Tennessee situation is "a crucial environmental problem," said Don A. Owens, a Tennessee state Water Pollution Control Division

■ Mine-safety agency appears to soften stand on coal-dust sampling fraud. Page B 2.

official, in an interview last week.

The company has taken steps to keep its contaminated water from leaving the mine site. But every day the mine continues to operate, the potential for future off-site damage is greater, Owens said. OSM should have halted the operation, known as the Gladly Fork Mine, months ago, he said.

The case is of interest beyond Tennessee because it calls into question OSM's commitment to combating one of mining's most vexing problems: the contamination of streams and water

See TENNESSEE
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supplies. The situation suggests there is a difference of opinion inside OSM over how far the agency should go to "minimize" mining's effect on nearby water — as required by the 1977 federal reclamation law.

In a July 31 letter to the Amax subsidiary, Skyline Coal Co., about its Gladly Fork Mine and related operations in Tennessee, OSM's Knoxville field office said that OSM is concerned that Skyline "is creating

a potentially widespread problem with water-quality degradation that will be difficult to control."

Adding to the concern is an aerial video that OSM personnel say was made last month during a helicopter flight over the Gladly Fork Mine and a second Skyline operation nearby. The video, which Snyder said last week he was unaware of, clearly shows orange creek water near the two sites. That's commonly a sign of acid material in the overburden — the shale and other material covering a coal seam.

"Waste water from the area (mined by Skyline) has caused the pollution of Gladly Fork Creek," Carl Tenut, head of the mining section of the Tennessee Water Pollution Control Division, said last month in a letter to OSM.

Since the pollution problem was first discovered two years ago, Tenut said, the mine has produced some 70 to 80 million cubic yards of mine spoil.

Skyline is mining the Sewanee coal seam, which is associated with a type of shale that contains pyrite.

When disturbed and exposed to air and water, pyrite produces an iron substance that can leach out and smother stream life.

It is a problem not new to the Cumberland Plateau region north of Chattanooga, where Skyline operates. A 1986 OSM environmental study of a watershed on nearby Walden Ridge said conventional reclamation efforts in the Sewanee seam are not enough to protect water quality, at least not in that area.

James Mottet, president of Skyline, said that seam contamination is rare and that pre-mining analysis indicated there would be no such problem at the Gladly Fork site. But once it developed, he said, the company worked hard toward a solution. Also, Mottet said the company believes the contamination will dissipate relatively quickly through natural means and company-added chemicals — a view not shared by Owens and at least some OSM technical personnel.

OSM employee Hammond Eve said that once contaminated drainage starts, it can continue for thousands of years. "You know the mining company isn't going to be around for thousands of years" to control it, he added.

In September 1990, a federal inspector cited Gladly Fork Mine after state water-control personnel dis-

covered that iron-laden water had seeped from the site into Gladly Fork. The company took immediate steps to control the contamination. But OSM, wanting to prevent additional pollution from the area still to be mined, gave the company until Dec. 1 of that year to produce an approved "long-term mitigation plan."

While the mining continued, and more and more of the acidic overburden was disturbed, the company and OSM's Tennessee staff dickered over the plan. The agency insisted on special blasting and handling procedures to segregate the acidic shale and protect it from moisture. The company, while agreeing to add neutralizing chemicals to the overburden, rejected OSM's more involved steps.

Finally, on July 9 of this year, after numerous extensions of the compliance deadline, an inspector from OSM's Chattanooga office ordered the mine closed for failing to meet the requirement of the citation issued 21 months earlier.

But after complaints from Amax representatives, OSM's Washington's headquarters ordered its Pittsburgh technical center to review the Gladly Fork problem and give the agency a second opinion. In the meantime, OSM's chief attorney agreed to suspend the cessation order and waive the \$750-a-day fine automatic with a forced shutdown.

So on July 13, four days after it got the cessation order, the Gladly Fork Mine was allowed to operate again.

It was a highly unusual procedure that completely bypassed the OSM field staff. Lindsey Kirk, head of the Chattanooga office, said he learned of it only after Skyline had resumed mining. That's ironic, since an internal agency study had recently criticized the Tennessee staff for reacting too slowly to acid- and toxic-mine drainage problems.

A June 19 draft evaluation report said the Knoxville field office should develop procedures to immediately stop mining operations when contamination is found.

At the Gladly Fork Mine, Skyline has built a pond that catches water and continually pumps it back into the overburden for neutralization

ronment.

But the system is not perfect. In June an OSM inspector cited the mine for discharging pond water with too much manganese.

The company got two deadline extensions to correct the problem; only last week was the problem found by OSM to be corrected. Mottet, the Skyline president, blamed the June problem on heavy rainfall that he said filled the pond beyond its pump-back capacity and allowed some water to escape.

The July 31 OSM letter to Mottet — from Willis Gainer, deputy chief of permitting in Knoxville — said the short-term control measures had reduced but not eliminated the mine's impact on the Gladly Fork stream.

Also, the letter said, these are "quick fix" techniques that treat but don't eliminate the problem. If the pumping stops, "severe impact to Gladly Fork Creek will resume," the letter said.

As of late last week, discussions between the company and OSM were still under way on the content of the long-range control plan.

Meanwhile, an administrative hearing in Knoxville set for today on the suspended cessation order has been postponed, with no new date set.

In addition, seepages at Skyline's nearby Pine Ridge East Mine are damaging Big Brush Creek, state and federal officials say. In June the Pine Ridge operation was cited twice by an OSM inspector for disturbing the "hydrologic balance."

Mottet said the company has taken elaborate steps to control the acidic overburden at Pine Ridge and is exploring the nature of the seeps.

Most of the permitted acreage at the Gladly Fork site has now been mined, and Mottet said the company is planning to resume and enlarge operations at a third mine in the vicinity. Overburden tests, he said, show conditions at this mine, which has been inactive, are "much better" than at the two other sites, and the company expects no contamination problems.

contamination is found.

tamination problems.

At the Gladys Fork Mine, Skyline has built a pond that catches water and continually pumps it back into the overburden for neutralization treatment. This recirculation system is supposed to prevent off-site drainage from the area that has already been mined. Thus, Snyder can say that reopening the Gladys Fork operation last month presented no imminent harm to the envi-

Sandy/George/Bob

The attachment relates to a number of permits issued to Sequatchie Valley Coal Corp. Apparently three were issued by the State in 1983-84, and others were issued in 1985 by OSM. They may all be in the same area, and they may represent conditions of the region associated with the Sewanee coal and the Whitwell shale, known for production of acid/toxic leachates. The chronology indicates that at least by 1985 the permits were determined to be defective, the handling plans were determined to be inadequate, and the sampling interval too dispersed. Information supplied by the permittee contradicted information from OSM analyses in 1987. As you read through this, it becomes apparent that a problem indentified in 1984 led to a succession of 33 events that delayed resolution up until the present time, i.e., 8 years, and is still ongoing.

Please make this situation a point of investigation, and include it in your report. Specific questions to be answered include, but are not limited to...

1. Why did KFO fail to bring this problem under control in a timely manner. Identify all impediments. Conduct interviews and records searches.
2. From the time the problem was known, how many more permits were issued in the Whitwell shale area prior to a definitive resolution of the expected acid/toxic leachate problems associated with the area.
3. What are the environmental impacts resulting from these permitting actions, and how long are they expected to endure.
4. Once a problem like this is suspected, how many months would normally elapse before the problems should have been resolved or the mining ceased.
5. Has inspection and enforcement related to these sites been timely and effective. Explain.
6. Please pursue any leads that develop from this so we can get a complete understanding of the regulatory and workplace environment under which these problems developed.

Chronology of Sequatchie Valley Coal Corporation

1978-80 E-78, e-80 permits issued by Tennessee Division of Surface Mining (DSM).

1983-84 Area 2, area 3, area 4 permits issued by DSM. Geologic analyses performed on large sampling intervals. Analyses indicated that Whitwell shale was potentially acid producing. Handling plan called for mixing during normal course of mining and burial beneath 4 feet minimum non-acid cover.

12/27/85 Area 3-3 permit issued by OSM. Geologic information indicated variable potential for acid production within permit area. Three holes indicated no acid material while two holes indicated a slight potential for acid production. All holes were analyzed on large sampling intervals.

1/18/85 Area 2-2 permit issued by OSM. Geologic information supplied by permittee indicated no acid producing material in overburden. NAB ranged from + 27 to + 31. Holes sampled on large intervals.

7/23/87 OSM collected highwall samples at Area 2-2. Subsequent laboratory analyses indicate presence of a zone with high potential for acidity associated with Richland seam. OSM staff could not access Sewanee coal overburden for sampling.

10/09/87 OSM letter to SVCC requesting additional geologic sampling with prior notification so that sample splits can be obtained.

11/06/87 SVCC responds with summary of existing geologic information for permit area 2-2 and 3-3. SVCC suggests that OSM samples were an anomaly that is uncharacteristic of permit area.

11/23/87 OSM sends letter requesting additional geologic holes, leach tests, and/or backfill wells for area 2-2 and 3-3. Prior notification requested.

12/11/87 SVCC letter acknowledging receipt of above letter. SVCC advises that they are reviewing OSM ideas.

5/19/88 OSM collects highwall samples at area 2-2. Subsequent analyses indicate presence of acid producing material in Whitwell shale associated with Sewanee coal.

8/24/88	SVCC meets with OSM. SVCC submits additional overburden analyses from new hole OH-1. Analyses do not indicate presence of acid producing material. Included is "water shake" extraction from a selected interval. OSM highwall analyses are given to SVCC. SVCC protests sampling of highwall without their knowledge.
9/20/88	OSM letter indicating that "water shake" is not an acceptable leach test and excessive sampling interval for geology. OSM again requests additional geologic sampling with leach tests.
10/19/88	SVCC letter requests copies of OSM geologic analyses at areas 2-2 and 3-3.
10/26/88	OSM supplies data. Letter expresses concern that issue continues to linger without resolution. Deadline of November 21, 1988 was given for submittal of and approved drilling plan.
11/16/88	SVCC meets with OSM management and submits statistical analyses of ground-water and surface water monitoring data.
12/23/88	OSM letter advising that statistical analyses were not valid and not a substitute for additional drilling. Another request for drilling plan by Jan 18, 1989.
1/18/89	SVCC letter to George Miller requesting time extension and February 1, 1989 meeting to discuss plans.
1/25/89	OSM accepts request for extension.
2/10/89	SVCC supplies geologic analyses of hole OH-2. Data indicate substantial deviation from original data.
3/17/89	OSM requests drilling plan to evaluate extent of acid material on permit areas 2-2 and 3-3. Prior notification requested so that sample splits can be obtained.
4/12/89	SVCC submits plan for drilling area 2-2 with statement that 3-3 plan will be submitted following completion of 2-2 evaluation.
4/25/89	SVCC drills holes OH-3, OH-4, and OH-5 on area 2-2. OSM representative is allowed to witness drilling but is not allowed to split samples.

7/28/89 SVCC submits drilling plan for area 3-3. Similar approach of OSM "witnesses" is proposed.

8/02/89 Memo from Hughes/Mann suggesting that "witness" approach is a waste of time.

8/11/89 OSM letter to SVCC stating that two-week notification and splitting of samples for subsequent lab analyses is mandatory.

11/14/89 SVCC drills hole OH-6. OSM obtains sample splits in the field. Lab analyses indicate a 15 foot zone with significant potential for acid production. SVCC contracts with Sturm Environmental Services for leach testing.

1/12/90 OSM initiates leach testing of geologic samples through Sturm Environmental Services. Subsequent analyses indicate high manganese, but does not produce acidity.

5/03/90 SVCC submits final report of leach test. Results generally agree with OSM results from same lab.

11/20/90 SVCC meets with OSM regarding need for additional information to provide conclusive information regarding hydrologic consequences of mining operation. OSM indicates that renewal of permits 2-2 and 3-3 will include requirement for backfill wells.

12/12/90 SVCC protests conditioning of renewal. SVCC suggests meeting with technical staff of Norco Coal to formulate a plan.

12/??/90 Field Solicitor suggests that ordered revision is preferable to conditioning of permit renewal.

1/16/91 OSM meets with Nerco representatives. Nerco staff disagree with backfill well concept.

4/4/91 OSM orders revisions 0505 to Area 2-2 and 0511 to area 3-3. Ordered revisions require backfill ground-water monitoring wells within mined area of areas 2-2, 3-3, 2, 3, and 4. OSM requires that design of backfill monitoring program be such that water quality impacts of existing mining can be delineated from those impacts associated with pre-SMCRA activity. In addition, an enhanced surface water monitoring plan is required.

5/13/91

SVCC submits revised surface and ground-water monitoring plans. Upon technical review, OSM identifies minor deficiencies and issues a TRDL.

8/15/91

SVCC revises plan in response to deficiencies. OSM approves both revisions. Approved revisions include high and low rainfall seasonal assessment of surface and ground-water quality and modelling of ground-water to determine mineralogical source of water quality as indicated by backfill ground-water wells. OSM anticipates submittal of data in late spring of 1992.



P.O. Box 479 • Lake City, TN 37769 • (615) 426-9455

12/23/92
ATTN: PAM
FROM: KEITH

November 23, 1992

George C. Miller, Director
Office of Surface Mining
Knoxville Field Office
530 Gay Street, S.W.
Suite 500
Knoxville, Tennessee 37902

Dear Director Miller,

This letter documents SOCM's concerns regarding the Skyline Coal Company's operations in the Sewanee coal seam in southern Tennessee. SOCM considers that OSM is allowing Skyline to break the law by continuing to mine at their Gladly Fork site (which is under litigation in part due to the presence of toxic mine drainage problems) without a valid permit. Further, OSM is considering the possibility of allowing Skyline to resume operations in the Sewanee seam on the adjoining Big Brush site on a cut by cut basis without having an approved Toxic Material Handling Plan for the Big Brush site. The SOCM study of acid mine drainage problems in the Sewanee seam (Does Reclamation Work?) indicates that the same water quality problems will be encountered on Big Brush as were encountered on the Gladly Fork site, and that further degradation to the Gladly Fork and Big Brush streams will occur.

Our first concern is the fact that OSM has (since August of this year) continued to let Skyline Coal Company mine coal at their Gladly Fork site without a valid permit. Skyline has been essentially wilddcatting for the past two to three months. We think the law is very specific on this matter and that OSM has the right and duty to uphold and enforce the law by closing down Skyline's Gladly Fork operation. We can find no justification for this action in the law or regulations. SOCM's position is that Skyline be shut down for mining without a permit.

SOCM here goes on record recommending that OSM not approve Skyline's request to make the 100' X 400' box cut on the Big Brush site for the following reasons:

1. No Toxic Material Handling Plan has ever been demonstrated to be effective in the prevention of toxic or acid drainage in the Sewanee coal seam.

2. We understand that Skyline will submit to OSM for analysis, three bore-hole samples taken from the site of the proposed box cut. SOCM considers that the three bore-

hole samples will not be representative of the distribution of toxic material present on the site. The toxic material occurs in irregular lenses and can not be readily identified through the proposed sampling scheme.

3. SOCM urges OSM to implement the Surface Mine Control and Reclamation Act (SMCRA) and require Skyline to prove the workability of a Toxic Material Handling Plan for the entire Big Brush site before mining of any kind (including a single 100' X 400' box cut) be initiated.

4. SOCM considers it to be inappropriate for OSM to make a decision on the proposed box cut on the Big Brush site before a decision on the Gladly Fork Toxic Material Handling Plan is made in Judge Torbett's court. We consider that the same problems exist in all three of the Skyline sites (Gladly Fork, Big Brush, and Pine Ridge East) now permitted on the Sewanee coal seam. Until this trial is completed, and Judge Torbett has made a judgement, it is unconscionable to proceed with new permits or revisions to existing permits that are dealing with the same toxic material as found on the Gladly Fork site.

5. The same toxic material that is now causing great harm to the water quality of Gladly Fork and Big Brush Creeks is present on the Big Brush site. We believe these same water quality problems will occur on the Big Brush site and cause even further damage to the water quality of these streams.

For these reasons the membership of SOCM petitions OSM to;

1. Shut down Gladly Fork permit number 2896.
2. Deny development of the proposed box cut on the Big Brush site until Judge Torbett rules on the Toxic Material Handling Plan requirements for mining in the Sewanee seam.

Sincerely,

David Hardeman
Chair of SOCM's Stripmine Committee

cc: Vice President Elect Albert Gore, Jr.
Senator James Sasser

United States Senate

WASHINGTON, DC 20510

Statement of Sen. Al Gore
December 23, 1992

A cooperative effort must be undertaken as soon as possible involving the Office of Surface Mining (OSM), the U.S. Environmental Protection Agency, citizens' groups and miners, to make progress toward a mining permit plan for the Skyline Coal Company that takes into account both economic and environmental concerns and allows Skyline to operate within our federal surface mining laws. I would encourage the Skyline mining company to enter into a dialogue with these parties to begin to remedy this situation.

I understand the concerns of miners affected by the closing of the Skyline coal mine. It is my understanding that this action by the Knoxville field office of the Office of Surface Mining (OSM) was a result of the OSM's finding that the Skyline toxic materials handling plan was inadequate. I have followed developments in this area and believe that a cooperative effort among the concerned parties can begin to resolve this issue.

##

United States Senate

WASHINGTON, DC 20510

December 16, 1992

Mr. Harry Snyder
Director
Office of Surface Mining,
Reclamation, and Enforcement
U.S. Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20009

Dear Mr. Snyder:

I wish to bring to your attention a situation in Tennessee that requires immediate resolution. The Skyline Coal Company, a subsidiary of the AMAX corporation, has been operating for over two years without a Toxic Materials Handling Plan (TMHP), as required by the 1977 Surface Mining Act. The company was granted a "interm temporary relief" permit this summer, allowing the company to continue to mine in without a TMHP. The legality of this temporary permit has since been questioned. I understand that the Knoxville field office of OSM has sent a letter to Skyline notifying them that they must cease mining until such a plan is formulated and approved by your office.

I am requesting that you involve the Environmental Protection Agency in the formulation and eventual evaluation of the Skyline materials handling plan. I requested such action in the case of Rith Energy, a surface mining company in Bledsoe County, Tennessee in 1989, and I believe the situation worked to the benefit of all parties involved. It is my hope that a similar situation could be used to address the very serious problems involving Skyline Coal.

I stand ready to work with you and the Environmental Protection Agency to protect the health and safety of Tennessee residents concerned about the toxic seepage from Skyline, as well as miners and their families concerned about their jobs. I look forward to hearing from you soon.

Sincerely,

Albert Gore, Jr.
United States Senator

AG/pdm

Att: Katie
Pam
To: Linda



INSURANCE PLANNING & SERVICE COMPANY, INC.

P.O. Box 1109, Chattanooga, TN 37401-1109

December 24, 1992

Senator Albert Gore
900 Georgia Avenue
Chattanooga, Tennessee 37402

Re: Skyline Coal Company

Dear Senator Gore:

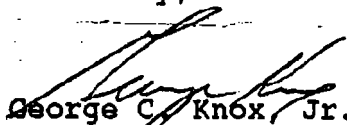
I am writing to urge you to use your influence in having the recent decision by OSM, as it regards the above company, reversed. It would seem to me that a more logical course of action would be to allow the company to continue to operate while a corrective plan of action is developed.

It is difficult at any time when a community loses jobs for its residents, but it becomes significantly more difficult when the community is small like Dunlap.

I realize that there are standards which must be met but I consider a program of corrective measures to be more prudent in this situation than the course of action taken by OSM.

Again, please use your position as an elected official to work on behalf of Skyline Coal Company, its' employees and the Dunlap community in general.

Sincerely,


George C. Knox, Jr., CLU
President

Let's discuss

T. Gordon Lowe
10 Pebble Lane
Signal Mountain, TN 37377

At/Katie
Pam

Fm: Linda

December 24, 1992

Senator Albert Gore
900 Georgia Avenue
Chattanooga, Tennessee 37402

Re: Skyline Coal Company

Dear Senator Gore:

With the emphasis being placed on the return of non-service related jobs to the American economy by President-elect Clinton, I am most surprised at the recent decision of the Federal OSM to close down Skyline Coal Company. As you know, this has an immediate direct effect on the 60 hourly employees employed by Skyline Coal Company.

As you also know, a ripple effect will occur and many more individuals and businesses, as well as the Dunlap community, will be affected.

I urge you to use your position as an elected official to provide support toward this untimely and seemingly unwise decision by OSM.

Sincerely,

T. Gordon Lowe

T. Gordon Lowe



OSM FACT SHEET

U.S. Department of the Interior Office of Surface Mining

DEC 23 1992

OSM AWARDS TENNESSEE \$460,000

FOR ABANDONED MINE LANDS PROJECTS

The Interior Department's Office of Surface Mining Reclamation and Enforcement (OSM) has awarded Tennessee Federal Reclamation Cooperative Agreement grants totaling \$460,000 to provide funding for three abandoned mine lands reclamation projects at sites throughout the state.

The grants include \$250,000 for the Windrock project, \$120,000 for the Luking Farm project, and \$90,000 for the Rockwood project.

-DOI-

*Pam-
FYI.
Herd.*

To: Katie

From: Pam

Re: Skyline

More updates on the Skyline Coal Company. You will remember that Skyline was the focus of Keith Schneider's front page story in the Times about two weeks ago. The Knoxville Office of Surface Mining Field Office has just written a letter dated Dec 11 to Skyline Coal asking them to cease mining because of a lack of an approved toxic materials management plan. (They have been operating for over two years with out one in violation of the 1977 Surface minig Act. The citizen's group Save Our Cumberland Mountains is asking us to step in and request EPA's involvement in formulating a plan for skyline. The citizens fear that the Washington OSM office will interfere in this request to shut down Skyline, just like the Washington office overruled the Knoxville office this July and granted a "interm temporary relief" permit for them to keep mining without their toxic materials handling plan.

One option for us is to handle Skyline like we handled Rith Energyg, a similar coal mining operation in 1988. In that case, Rith Energy surface coal mine wanted a permit revision from the OSM. OSM was to conduct an environmental impact assessment of Rith's toxic materials handling plan, and to ensure ts environmental soundness, we asked EPA to review and comment on the plan before the permit was granted. In the case of Skyline, we could send a similar letter to the OSM office in Washington, asking them to consult with EPA while OSM requires a handling plan from Skyline.

We need to do something -- this will not go away. Its obvious that the Washington OSM office violated teh law -- not just in the Skyline case but other cases around the country as well. In fact, OSM's troubles are so bad that rumors have started that Harry Synder, the head of OSM, will be indicted by thei Inspector General of teh Interior department pending an investigation into bribery and other nasty charges. I suggest we issue a statement andn sent a letter to OSM -- I have drafted such and it follows.

HISTORY ON SKYLINE

In 1990 a notice of violation was issued to the Skyline Coal Company (a subsidiary of AMAX Coal Co) because uncontrolled iron seeps were impacting Gladys Fork Creek in TN. Office of Surface Mining ordered Skyline to submit revisions to their permit for mining to address plans to treat exisiting seeps and prevent the formation of future problems. Under the 1977 Surface Mining Law, a company has 90 days to abate a violation. If the violation is not addressed, then a cease order to stop mining is issued and fines are levied until the problem is addressed. In the Skyline case, the extension was granted for 10 x the usual period (i.e. almost two years)

After the cease order was issued, AMAX filed a appeal thru the Solicitors Office in DC. Thru Harry Snyder (head of OSM) and the chief solicitor of OSM, the extention (called a "temporary interm relief" and NOT granted by any surface mining law -- basically an arbitrary OSM decision to allow them to continue) was granted for AMAX. Normally, this would all go thru the Knoxville field office of OSM, who has the statutory authority to issue extentions or revisions, but they were merely told by Washington how to handle this.

The status now is that a hearing on this "temporary" permit is being held at the request of a citizen's groups Save Our Cumberland Mountains. An adminstrative law judge hears this case and then determines whether or not to grant relief to the company from the law or not. (The 1977 Surface Minig Law grants this hearing process for citizens and companies). Skyline is still mining thru out this time period, and the hearing will probably not end until January (Skyline keeps calling more witnesses and dragging this thing out).

December 16, 1992

Mr. Harry Snyder
Director
Office of Surface Mining,
Reclamation, and Enforcement
U.S. Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20009

Dear Mr. Snyder:

I wish to bring to your attention a situation in Tennessee that requires immediate resolution. The Skyline Coal Company, a subsidiary of the AMAX corporation, has been operating for over two years without a Toxic Materials Handling Plan (TMHP), as required by the 1977 Surface Mining Act. The company was granted a "interm temporary relief" permit this summer, the legality of which has since been questioned, allowing the company to continue to mine in without a TMHP. I understand that the Knoxville field office of OSM has sent a letter to Skyline notifying them that they must cease mining until such a plan is formulated and approved by your office.

I am requesting that you involve the Environmental Protection Agency in the formulation and eventual evaluation of the Skyline materials handling plan. I requested such action in the case of Rith Energy, a surface mining company in Bledsoe County, Tennessee in 1989, and I believe the situation worked to the benefit of all parties involved. It is my hope that a similar situation could be used to address the very serious problems involving Skyline Coal.

I stand ready to work with you and the Environmental Protection Agency to protect the health and safety of Tennessee residents concerned about the toxic seepage from Skyline. I look forward to hearing from you soon.

Sincerely,

Albert Gore, Jr.
United States Senator

AG/pdm

any need for a letter to EPA, etc??
seepage

Families protest mine closing

U.S. officials cite pollution problem

"What do we want for Christmas? Our jobs back! What did we get for Christmas? Pink slips!"

— Coal miners outside the Office of Surface Mining in Knoxville on Tuesday.

By Skip Lackey

News-Sentinel staff writer

More than 100 coal miners and their families came to Knoxville on Tuesday to protest a federal decision that has shut down Skyline Coal Co. operations in Dunlap, Tenn.

Federal officials at the Office of Surface Mining in Knoxville have refused to renew the company's mining permit. OSM claims company engineers can prevent acid mine drainage from polluting Glady Fork Creek on a daily basis but not in the long term.

"It means I start looking for another job, and to have any idea where I'm going to find another job means I'll probably start looking in Chattanooga, Cookeville, Crossville," said Alton King, 38.

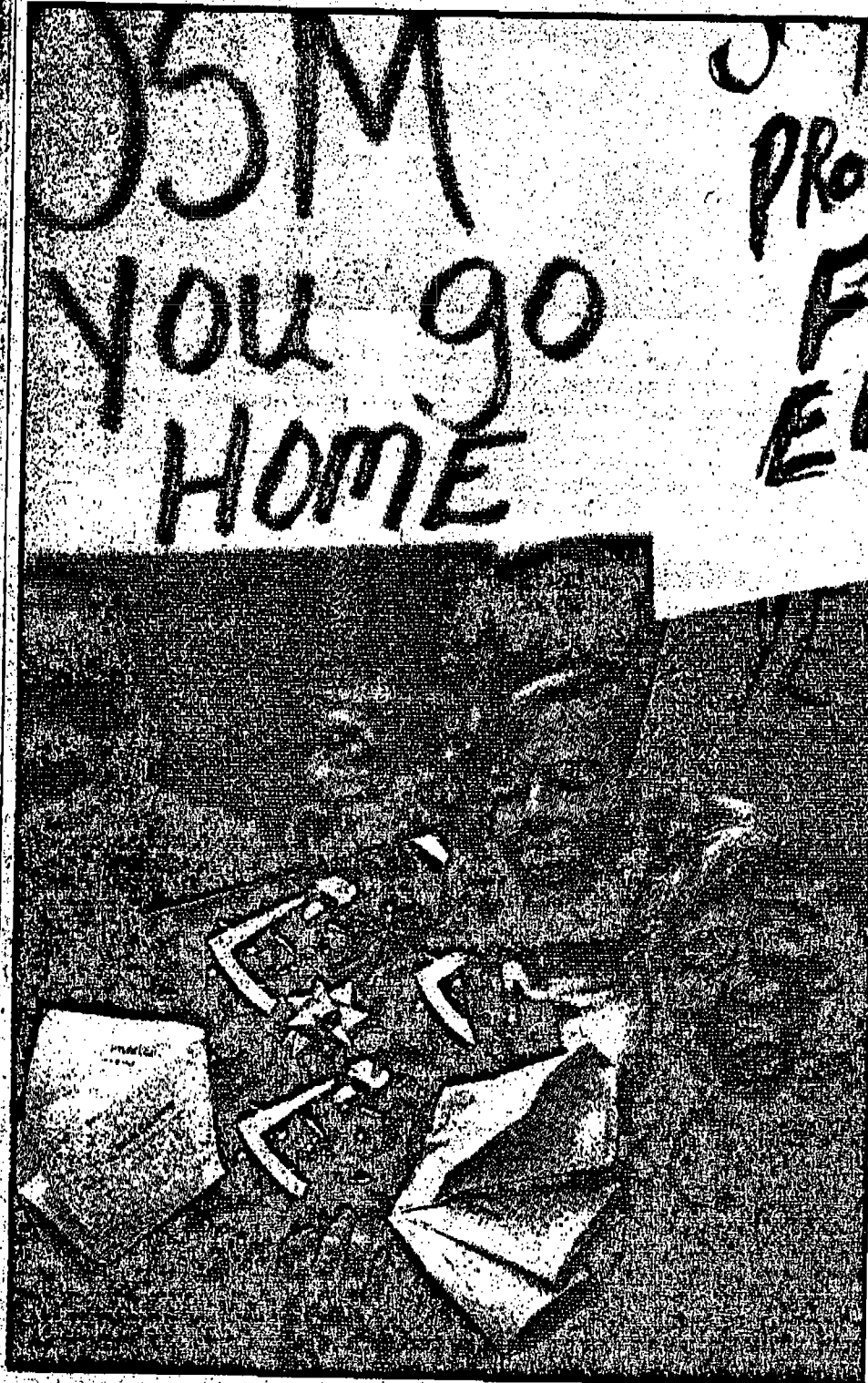
Dunlap is in Sequatchie County, northwest of Chattanooga.

If a new job means moving from Dunlap, then King, who said he is a single parent, will have to leave his 6-year-old son, Tyler, who is in kindergarten.

"All I've told him is that we're going to be on vacation for a while," King said of the mine shutdown. "I don't know how to explain it to him because I don't understand why we shouldn't be workin'."

While some of the employees facing a jobless Christmas protested outside OSM offices on Gay Street Tuesday, a committee of six men and one woman met inside for nearly two hours with Deputy Field Office Director Joe Maddox.

The meeting follows a two-year effort by company engineers to convince federal officials in Knoxville that they have a workable acid mine drainage plan if



Trish Merritt holds a wrapped Christmas box with pink slips hanging out while chanting Tuesday outside the Office of Surface Mining in Knoxville. Merritt's husband works for Skyline Coal Co., whose permit expired.

Michael Patrick/News-Sentinel staff

Please see MINE, page A5

KNOX N-S p.1 12/23/92

without the plan, Knox County has yet to render a decision about the company's drainage plan.

Mine

Continued from page A1

OSM would give them the chance to prove it.

"I think we have bent over backward to work with the company, and we tried to remain open minded in order to come up with a plan to mine that area," Maddox said at the meeting.

"But even in these two years, it so happens that we have not been able to come up with what we would consider a satisfactory plan. . . We have acted according to the interpretation of the law and the regulations."

The company has submitted a long-term plan that OSM officials in Pittsburgh said could keep high levels of iron and manganese from polluting a creek near the mines.

Jim Hughes, an OSM physical scientist in Knoxville, said the review was cursory. "We continue to hold our opinion that the plan is inoperable," he said Tuesday after the meeting.

On July 9, OSM issued an order stopping the company from mining. The matter went before an administrative law judge who

has yet to render a decision about the company's drainage plan.

Maddox confirmed at Tuesday's meeting that OSM had agreed to let the company operate until a decision was made. An environmental group, Save Our Cumberland Mountains, complained, however, that the company was operating with an expired permit.

Maddox said he could not renew the permit without a viable drainage plan in hand, so the company had to close.

"It certainly is a bad time of year, and we are certainly sympathetic to those people who are affected," Hughes said.

That is little consolation to King and other people in Sequatchie County who will be affected by the closure.

Sequatchie County Executive Bill Harmon said at the meeting that the closure will cost 132 jobs. Also, he said county government will lose about \$163,000, of which the school system gets the largest chunk.

"All I know is you're taking a small area of Tennessee and you're not causing a recession. You're causing a depression," Harmon said.

KNOX N-S

P. 5
12/23/92

United States Senate

MEMORANDUM

2-4 p.m. FAX to LID;
 ↳ we would be lucky to get
 15 -

628-1825

Linda 267-0581 FAX

Jack Lupton

\$45 million total cost;

TVA put \$ 250,000 in
for educational facilities;

Chattanooga Venture: env. forum Pickman
1st yr. Alton spoke; 21st + 22nd;

United States Senate

MEMORANDUM

Harry M. Snyder

Dir., OSM R & E

1951 Const. N.W., Suite 233 S

Washington, D.C. 20240

208-4006

United States Senate

WASHINGTON, DC 20510-4202

May 8, 1992

Harry M. Snyder
Director, Office of Surface Mining,
Reclamation, and Enforcement
1951 Constitution Ave., N.W.
Suite 233 S
Washington, D.C. 20240

Dear Mr. Snyder:

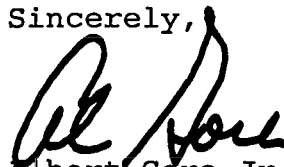
I have recently learned that the Office of Surface Mining (OSM) plans to phase out, within an unspecified period of time, its Chattanooga Area Office. That office currently employs eleven people, and maintains jurisdiction over eleven counties in southeast Tennessee. It has received "highest efficiency" ratings in all national reviews since it was established in 1984.

I am concerned that closing this office could result in an increase in the adverse environmental impacts of mining activity in southeast Tennessee. Runoff from mining activity and abandoned mine lands is a significant cause of water pollution in the State of Tennessee. What assurances can you provide that the proposed phase out of the Chattanooga Area Office of OSM will not have adverse consequences on this situation?

Please provide me a full explanation why OSM is phasing out the Chattanooga Area Office, and how OSM intends to prevent negative environmental consequences from the phase out. I would also like to know exactly how OSM proposes to fulfill its regulatory and enforcement obligations in the region when the Chattanooga Area Office is closed.

I look forward to your prompt reply.

Sincerely,



Albert Gore Jr.
United States Senator

NEWS FROM

U.S. Senator Al Gore



(D - Tennessee) SR 393 Russell Building, Washington, D.C. 20510 (202) 224-4944

256 Federal Building, Chattanooga, TN 37402 (615) 756-1328

Date 4-29
To Jacquie — Bill Mason
From Linda
Pages (including cover) 5
Subject Office of Surface Mining

*Write a letter to
OSM tomorrow;*

Office of Surface Mining
Reclamation & Enforcement
900 Georgia Ave. Room 30
Chattanooga, TN 37402

April 29, 1992

Albert Gore Jr.
U.S. Senate
Room 363, Russell Bldg
Washington, DC 20510

Dear Senator Gore,

Re: Office Closure Notice

The Knoxville Field Office of OSM has maintained two area offices in the state of Tennessee for the purpose of regulating and enforcing the provisions of the Surface Mining and Reclamation Act of 1977 and, in particular, the Tennessee Federal Program. These offices, located in Chattanooga and Norris, have been in existence since April 1984. On April 28, 1992, without prior notice, warning or consideration, the staff of the Chattanooga Area Office was informed that a decision had been made at the agency directorate level to phase out the office within an unspecified period of time.

The Chattanooga Area Office (CAO) currently employs eleven (11) people:

- 1 Area Office Manager
- 1 Technical Specialist
- 7 Reclamation Specialists *
- 1 Office Assistant
- 1 Inspection Program Assistant

- * Two (2) reclamation specialists are currently under consideration for transfer to OSM vacancies in New Mexico. This was initiated prior to the decision to close the CAO.

The Norris Area Office (NAO) currently employs thirty six (36) people:

- 1 Area Office Manager
- 3 Supervisory Reclamation Specialists
- 1 Technical Specialist
- 25 Reclamation Specialists
- 1 Office Assistant
- 3 Clerk Typists

- 1 Inspection Clerk
- 1 Computer Assistant

The Chattanooga Area Office maintains jurisdiction over eleven counties in southeast Tennessee which include Bledsoe, Cumberland, Grundy, Hamilton, Marion, Putnam, Rhea, Roane, Sequatchie, Van Buren and White counties.

The Chattanooga Area Office currently has 140 inspectable units (minesites) on its active Inspectable Units List (IUL). Each of these units are required to be inspected at least once per month. Many minesites which are actively producing coal are inspected on a greatly increased frequency. Each reclamation specialist in the CAO is responsible for 20 units per month.

Permitted inspectable units under Chattanooga Area Office jurisdiction contain a total of 6510 acres resulting in an average of 937 acres per reclamation specialist to inspect each month. By comparison, the Norris Area Office contains 15242 acres * of inspectable units for an average of 639 acres per reclamation specialist to inspect per month.

- * Totals include an estimate of 2 acres per Notice of Intent (exploration) site. CAO has 24 NOI's, NAO has 42 NOI's.

★ Additionally, the Chattanooga Area Office is responsible for regulating the three largest coal producers in Tennessee. These three companies, Skyline Coal Company, Tennessee Consolidated Coal and Sequatchie Valley Coal, are subsidiaries of larger national corporations, AMAX, A.T. Massey and Nerco, respectively.

Allegations of a reduced workload at the Chattanooga Area Office appear unfounded since preliminary investigations show that the active inspectable unit list contained 141 units in August of 1991 as opposed to the current 140. CAO has since lost one reclamation specialist in a transfer to Ohio. This would indicate an overall increase in workload among the remaining seven reclamation specialists considering a net loss of one active inspectable unit.

An additional 25 units have been retired due to lack of asset determinations made by the Office of the Field Solicitor. These sites are in various phases of disturbance and/or reclamation, all have been cited for outstanding violations and all have the potential for future environmental impact.

The Chattanooga area Office has issued 1166 notices of violation and 509 cessation orders since its establishment in 1984. The assessed amounts of penalties from these enforcement actions has amounted to a grand total of \$2,622,450.00 of which \$432,040.00 has been accounted for by the agency through final demands, settlement agreements and payments.

Closure of the Chattanooga Area Office will impact the staff of the office and the community and region it has served.

Eleven employees and their families, some with many young members, will be displaced from homes and careers which have been established, maintained and improved for the minimum of eight years that the office has existed. Some employees have been located in the area for longer periods.

Approximately \$450,000.00 in annual salaries are represented by the staff. Not included in this total are the wages of working spouses and children. Most of this income is channelled back into the local economy.

Area merchants benefit from the services and products required by the office in its daily operation.

Most importantly, the job and mission which initially required the establishment of the Chattanooga Area Office still remains. Closure of the CAO will create a vacuum in southeast Tennessee which will result in a reduced level of regulation of the coal industry and an increase in the probable environmental impacts.

The Knoxville Field Office, including the Chattanooga and Norris Area Offices, were notified prior to the recent closure notice that a Department of Interior ordered Management Control Review was scheduled for the early part of May 1992. This closure notice has come prior to the conduct of this review and without benefit of any resultant data.

The Knoxville Field Office and the Chattanooga Area Office were not made party to any considerations or deliberations prior to the decision to close the office and have not been given any explanations or justifications since.

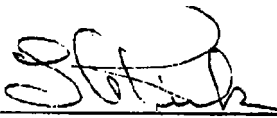
The Chattanooga Area Office has maintained highest efficiency ratings in all national reviews since establishment of the office. Our staff members are dedicated to the purpose of this office and feel that the manner in which this recent action has been conducted, the abruptness, lack of explanations, supporting data and consideration for our future well being exhibits an unwarranted disregard towards us as employees and human beings.

We feel that closure of the Chattanooga Area Office is a mistake not only from our own personal viewpoints but from professional experience gained throughout our tenure in this area. Additional supportive data is obtainable from various sources in our agency and department.

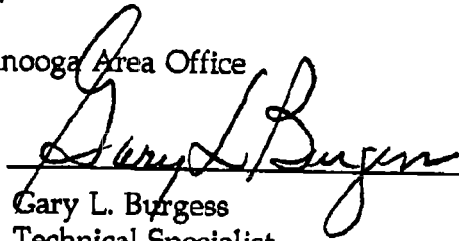
We request and appreciate any assistance your office may provide in reversing the decision to close the Chattanooga Area Office or, at a minimum, to clarify the issue and provide us with positive and unrefutable information which absolutely supports this decision over any other alternatives.

Respectfully,

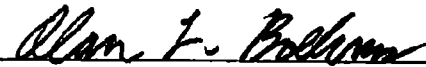
Staff, Chattanooga Area Office



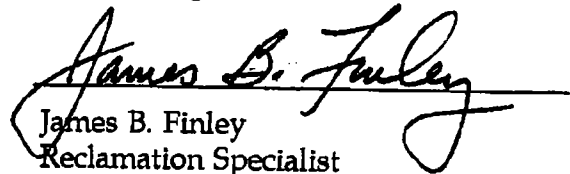
Lindsey A. Kirk
Manager



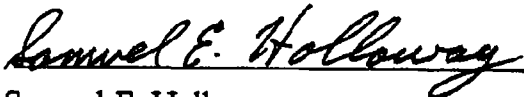
Gary L. Burgess
Technical Specialist



Alan L. Boehms
Reclamation Specialist



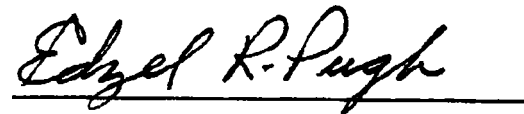
James B. Finley
Reclamation Specialist



Samuel E. Hollaway
Reclamation Specialist



Loise P. Oswalt
Reclamation Specialist

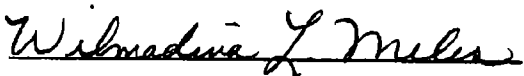


Edzel R. Pugh
Reclamation Specialist

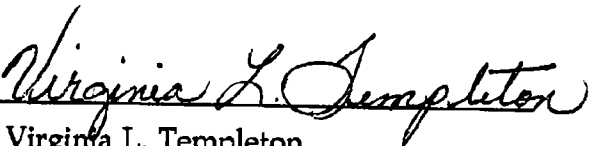


Charles V. Smith
Reclamation Specialist

Thomas W. Wright
Reclamation Specialist



Wilmadina L. Miles
Office Assistant



Virginia L. Templeton
Inspection Program Assistant



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



JUN 16 1992

Honorable Robert C. Byrd
Chairman, Subcommittee on Interior
and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Office of Surface Mining Reclamation and Enforcement (OSM) plans to relocate 11 staff members. These employees are presently located in OSM's Chattanooga, Tennessee area office where their valuable technical skills and knowledge are currently being under utilized.

Mining operations in Tennessee have been on a downward trend for the last several years. Coal production dropped from 11.2 million tons in 1984 to 6.2 million tons in 1990. This drastic decrease has had a substantial impact on the required workload in the Chattanooga, Tennessee area office--only eight permits were issued last year. In order to provide for the most effective utilization of its employees, OSM has decided to close the Chattanooga office and relocate all of its 11 employees to other currently vacant positions within OSM's field organization. This will leave a permanent work force in Tennessee of 104 employees and result in no decrease in inspection coverage or in the present level of environmental protection afforded to the Southeastern Tennessee area.

In order to minimize the negative impacts to the employees and a decline in morale, the closing of the office will be phased in gradually as opposed to an immediate shutdown. The estimated cost of relocation will be funded out of fiscal years 1992 (\$200,000) and 1993 (\$90,000). The employees will be able to select new positions from a list of 23 current vacancies in different field offices within OSM.

Honorable Robert C. Byrd

2

A similar letter is being sent to the Honorable Sidney R. Yates,
Chairman, Subcommittee on Interior and Related Agencies,
Committee on Appropriations, House of Representatives.

Sincerely,

John E. Schrote /s/

JOHN E. SCHROTE
Assistant Secretary
Policy, Management and Budget

cc: Honorable Don Nickles
Ranking Minority Member

Honorable Marilyn Lloyd
Honorable Jim Sasser
Honorable Al Gore

Skyline - Ken Brown

GIS 275-6710

h 886-4545