

**Supporting Statement A**  
**30 CFR 816 and 817 – Permanent Program Performance Standards –**  
**Surface and Underground Mining Activities**

**OMB Control Number 1029-xxx7**

Terms of Clearance: None

**General Instructions**

*A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.*

**Introduction**

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are submitting this information collection clearance package to revise its information collection authority for 30 CFR 816, Permanent Program Performance Standards—Surface Mining Activities, and 30 CFR 817, Permanent Program Performance Standards—Underground Mining Activities.

OSMRE is proposing a Stream Protection Rule which will modify the collection requirements in 30 CFR parts 816 and 817. This proposed rule will seek public comments on the burden estimates we have identified, the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, and reported.

The information collection for these parts was previously approved by the Office of Management and Budget (OMB) and assigned clearance number 1029-0047. However, OSMRE is requesting a new information collection number pending approval of the information collection for the final rulemaking.

**Specific Instructions**

**Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.***

OSM is proposing new regulations in the Stream Protection Proposed Rule which will modify the collection requirements in these parts. This proposed rule will seek public comments on the burden estimates we have identified, the availability of data, frequency

of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, and reported.

The regulations in 30 CFR 816 set forth the minimum environmental protection performance standards for surface coal mining activities. They primarily implement section 515 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), which sets forth performance standards for surface coal mining operations; section 517(b)(2) of SMCRA, which sets forth water monitoring requirements; and section 517(d) of SMCRA, which requires the posting of signs and markers at the mine site.

The regulations in 30 CFR 817 set forth the minimum environmental protection performance standards for underground coal mining activities. They primarily implement section 516 of SMCRA, which directs the Secretary to adopt performance standards for underground coal mines and includes additional requirements related to subsidence resulting from those operations; section 517(b)(2) of SMCRA, which sets forth water monitoring requirements; section 517(d) of SMCRA, which requires the posting of signs and markers at the mine site; and section 720 of SMCRA, which establishes requirements pertaining to replacement of certain water supplies adversely impacted by those operations and correction of subsidence-related material damage to protected structures.

The proposed regulations are consistent with the purpose of SMCRA as stated at Section 102: (a), (c), and (d):

“(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations;  
(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;  
(d) assure that surface coal mining operations are so conducted as to protect the environment.”

The proposed revisions reflect sections 510(b)(3) and 515(b)(10) of SMCRA. Section 510(b)(3) in effect requires that every operation be designed to prevent material damage to the hydrologic balance outside the permit area. Section 515(b)(10) requires that surface coal mining and reclamation operations be conducted so as to minimize disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface-water and groundwater systems both during and after surface coal mining operations and during reclamation.

The proposed revisions are consistent with SMCRA Section 515(b) “General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to: ... (2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or

safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law; (17) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property; (19) establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;" and "... (24) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable."

Our proposed revisions would flesh out section 515(b)(6) of SMCRA, which requires that surface coal mining operations "restore the topsoil or the best available subsoil which is best able to support vegetation," and section 515(b)(5) of SMCRA, which states that surface coal mining operations must—

"...remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation."

Our proposed revisions are consistent with section 515(b)(10)(B)(i) of SMCRA, which requires that surface coal mining operations be conducted so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area.

Our proposed rules will implement section 515(b)(22) of SMCRA which focuses on the long-term stability of excess spoil fills. Section 515(b)(22)(A) of SMCRA, requires that surface coal mining and reclamation operations place all excess spoil material in such a manner that the "spoil is transported and placed in a controlled manner in position for

concurrent compaction and in such a way to assure mass stability and to prevent mass movement.”

Our proposed revisions would require that placement of overburden, coal mine waste, and other materials in waters of the United States be made in compliance with a permit issued under section 404 of the Clean Water Act. While the language would be new, the requirement would not—SMCRA permittees have always been required to comply with the Clean Water Act, as provided in section 702(a)(2) of SMCRA.

We also propose to clarify that the existing requirement for “protection or replacement of water rights” means that the permittee must replace any damaged water supplies to the extent required by 30 CFR 816.40 and must conduct operations so as to protect any water rights under state law, consistent with section 717 of SMCRA. Proposed 30 CFR 817.40 for underground mines is substantively identical to proposed 30 CFR 816.40 for surface mines, with one exception: Proposed 817.40 (a)(1) reflects the limited water supply replacement requirements of section 720(a)(2) of SMCRA for underground mining operations rather than the expansive water supply replacement requirements of section 717(b) of SMCRA for surface mines.

We propose to revise our subsidence control regulations for consistency with section 516(b)(1) of SMCRA, which provides the statutory basis for this regulation, and states that each underground mining permit must require the operator to—

“...adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: Provided, That nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining.”

2. ***Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.***

The information submitted by industry respondents is used to ensure that surface and underground coal mining operations are conducted in a manner which preserves and enhances environmental and other values in accordance with the Act. This includes monitoring water quality and the hydrologic balance, ensuring the design, certification and construction of impounding structures, water diversions and stream restoration to ensure safety and stability, replacement of certain water supplies when required by regulation, to help protect streams and related environmental values from adverse mining-related impacts to the extent reasonably possible.

OSM is preparing the Stream Protection rule which will have the following affect:

816.22/817.22 as proposed would require salvage, protection, and redistribution of soil materials in addition to the topsoil to ensure that the reconstructed soil on the reclaimed minesite provides a root zone of sufficient depth and comprised of appropriate soil and overburden materials that will create a plant growth medium suitable for the vegetation to be planted. It would also require the use of a statistically valid sampling methodology to document that redistributed approved resoiling materials have been placed in accordance with the approved soil handling plan with regard to location and depth. The proposed rule would also prohibit the burning or burial of organic matter, and require that organic materials such as duff, litter, tree tops, small logs and root balls be salvaged for later redistribution into the growing medium on regarded areas.

816.34/817.34 as proposed, pertains to the general requirements to protect the hydrologic balance, and would add inspection and reporting provisions pertaining to the storm water runoff control plan, specifically requiring that such inspections and reports be submitted within 48 hours of any precipitation event that exceeds the 2 year recurrence interval in areas where average annual rainfall exceeds 26 inches or in other areas with lesser precipitation any significant precipitation event as determined by the regulatory authority.

816.35-36/817.35-36 as proposed, would add provisions to the requirements for surface water and groundwater monitoring such that an RA cannot release reclamation performance bonds if the monitoring data indicates adverse trends that could lead to material damage to the hydrologic balance.

816.37/817.37 as proposed would add additional monitoring requirements specific to assessing the biological condition of intermittent and perennial streams within the permit and adjacent areas in accordance with the approved monitoring plan and provides further that such monitoring shall continue until final bond release. In addition, similar to other monitoring requirements, if biological monitoring indicates that material damage to the hydrologic balance were to occur reclamation performance bonds may not be released by the RA.

816.41/817.41 would add four new requirements that must be met before the regulatory authority may approve a proposed discharge to any type of underground mine. First, a demonstration that the discharge will be made in a manner that will prevent material damage to the hydrologic balance of the area in which the underground mine receiving the discharge is located. Second, a demonstration that the discharge will be made in a manner that will not adversely impact the biological condition of perennial or intermittent streams. Third, the regulatory authority could approve discharges of water that exceed the effluent limitations for pH and total suspended solids only if available evidence indicates that there is no direct hydrologic connection between the underground mine and other waters and that the discharge would not cause material damage to the hydrologic balance outside the permit area. The fourth proposed revision would require that the

permit applicant obtain written permission from the owner of the mine into which the discharge is to be made and provide a copy of that authorization to the regulatory authority.

816.49/817.49 revises our permanent impoundment requirements by adding three new criteria for approval of permanent impoundments. These proposed changes would require a demonstration that approval of the impoundment would not result in retention of spoil piles or ridges that are inconsistent with the definition of approximate original contour; a demonstration that approval of the impoundment would not result in the creation of an excess spoil fill elsewhere within the permit area; and a demonstration that the impoundment has been designed with dimensions and other characteristics that would enhance fish and wildlife habitat to the extent that doing so is not inconsistent with the intended use of the impoundment.

816.57/817.57 as proposed, describes the standards applicable to operations that would conduct operations in, through or adjacent to intermittent and perennial streams. It would specifically add standards for mining through or diverting streams which includes restoration of both stream function and form. It would provide specific guidance as to elements of stream form, i.e. morphology, and stream function, i.e. biological condition, that must be restored subsequent to mining through or diverting a stream and prior to bond release. In addition mining through or diverting a stream segment that is degraded prior to mining could only be done if it would result in improvement of both form and function to the degraded condition, utilizing enhancement measures consistent with the approved fish and wildlife plan for the proposed operation.

816.71/817.71 as proposed would prescribe general requirements for disposal of excess spoil and adds additional inspection requirements during placement and compaction of fill materials. Such examinations would be performed daily and reported in a log that describes such issues as specific work locations, specific compaction methodology, deviations from the approved plan, and remedial measures if any. For operations that include disposal of coal mine waste in excess spoil fills, a finding would be required by the RA that such disposal would not result in violation of any state, federal or tribal water quality standards or effluent limitations and would not result in material damage to the hydrologic balance.

816.73/817.73 concerns construction of durable rock fills. This entire section would be deleted and such fills would no longer be authorized under the proposed regulations.

816.74/817.74 concerns disposal of excess spoil on a preexisting bench. We propose to delete the provision allowing gravity transport of excess spoil onto previously mined benches.

816.81/817.81 would add a new provision requiring the certification of the construction of coal mine waste disposal facilities by a registered professional engineer experienced in

the construction of similar facilities in accordance with approved engineering design plans.

816.83/817.83 would add a reference to the requirements at 816.71(l) requiring examinations of the facility during placement and compaction of waste materials which would be performed daily and reported in a log that describes such issues as specific work locations, specific compaction methodology, deviations from the approved plan, and remedial measures if any.

816.97/817.97 – these provisions address the performance standards for protecting fish, wildlife and related environmental values. The proposed revisions would expand the scope of the rule to include species proposed for listing as threatened or endangered under the Endangered Species Act, not just species actually listed under that law. The proposed rule would add language clarifying that the requirement that the permittee report to the regulatory authority the presence of any state-listed or federally-listed threatened or endangered species within the permit area applies regardless of whether the species was listed before or after permit issuance, and specify that this notification applies to both the permit area and the adjacent area,

816.102/817.102 Provisions proposed to be added would require the regulatory authority to develop regulatory program criteria and standards for the retention of modified highwall remnants in order to restore the form and function of similar natural landforms removed by the mining process.

3. ***Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.***

The collection of information required for 30 CFR 816 and 817 is unique to each applicant and mining area. Respondents are individual mining companies who maintain or submit reports, schedules, notification letters, etc. to state and federal regulatory authorities, landowners, or to newspapers as needed. Information collections normally do not involve use of any standard form, and the required information generally does not consist of numerical data or responses to multiple-choice questions. Generally, certification and monitoring reports are prepared and submitted electronically, while notices to landowners and newspapers are in paper form.

4. ***Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.***

The information requested for 30 CFR 816 and 817 is unique to each person and site. Circumstances vary with each proposed coal mining site in which a permit application has been received. Thus, there is no available information that can be used in lieu of that supplied on each application. Information is usually collected quarterly or monthly, depending on state or federal regulations. OSM is not aware of any other federal agency that collects this information. OSM is the only federal agency charged with implementation of SMCRA with respect to performance standards for surface and underground mining activities. Duplication of such information is minimal to nonexistent.

**5. *If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.***

There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit and to conduct coal mining and reclamation operations. Adequate documentation is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. Therefore, the hour burden on any small entity subject to these regulations and associated collections of information cannot be reduced to accommodate them.

**6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.***

Failure to collect the information requested for 30 CFR 816 and 817, or collection at less frequent intervals, would impair the ability of OSM and state regulatory authorities to ensure that surface and underground coal mining operations are conducted safely and in an environmentally protective manner consistent with the purposes and requirements of the Act. Furthermore, the Act specifically requires submission of some of the requested information at the indicated frequency.

**7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:***

- \* *requiring respondents to report information to the agency more often than quarterly;***
- \* *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;***
- \* *requiring respondents to submit more than an original and two copies of any document;***
- \* *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;***



- \* *in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- \* *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- \* *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- \* *requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

No collection of information for 30 CFR 816 and 817 is inconsistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting statement.

8. ***If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.***

***Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.***

***Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.***

OSM had a team of regional and field office staffs review the proposed revisions to the regulations for the proposed Stream Protection rule. We developed program changes and adjustments as a result of this review and have incorporated them into this collection request.

OSM will publish in the Federal Register in the Summer 2015, a proposed Stream Protection rule which will seek comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice will give the public 60 days in which to comment.

9. ***Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.***

Not applicable. OSM does not provide payments or gifts to respondents.

10. ***Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.***

Not applicable. In general, confidential information is not provided. However, the permit applicant may request that certain portions of the application be held confidential for certain business or other reasons, such as coal reserves in the planned mining area or to protect the location of archeological resources on public and Indian lands. These requests are handled in accordance with the procedures provided for in §773.13(d).

11. ***Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.***

Not applicable. Sensitive questions are not asked.

12. ***Provide estimates of the hour burden of the collection of information. The statement should:***

\* *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*

\* *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.*

\* *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.*

a. Burden Hour Estimates for Respondents

Potential respondents include surface coal mine operators and state regulatory authorities. The burden estimates include the time for reviewing instructions, searching existing data

sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are required to obtain a benefit. We are providing burden estimates to demonstrate program changes due to the proposed Stream Protection rule where we are adjusting burden on respondents. Refer to the tables for a breakdown of the burdens.

**INFORMATION COLLECTION SUMMARY FOR 30 CFR PARTS 816 AND 817**

<b>30 CFR 816/817 Section</b>	<b>Type of Respondent</b>	<b>Average No. of Annual Responses</b>	<b>Annual Hour Burden per Response</b>	<b>Total Annual Burden Hours</b>	<b>Change in Burden due to Rule</b>
816/817.34 General requirements for protection of the hydrologic balance	Operators	446	1	446	446
	State regulatory authorities	0	0	0	0
816/817.35 Groundwater monitoring requirements	Operators	33,488	6	200,928	0
	State regulatory authorities	0	0	0	0
816/817.36 Surface water monitoring requirements	Operators	38,272	6	229,632	0
	State regulatory authorities	0	0	0	0
816/817.37 Biological condition monitoring requirements for streams	Operators	446	36	16,056	16,056
	State regulatory authorities	0	0	0	0
816/817.41 Discharges into an underground mine	Operators	50	1.5	75	75
	State regulatory authorities	50	.5	25	25
816/817.49 Impoundments (new)	Operators	2,148	41	88,068	0
	State regulatory authorities	0	0	0	0
816/817.49 Impoundments (pre-existing)	Operators	17,817	24	427,608	0
	State regulatory	0	0	0	0

<b>30 CFR 816/817 Section</b>	<b>Type of Respondent</b>	<b>Average No. of Annual Responses</b>	<b>Annual Hour Burden per Response</b>	<b>Total Annual Burden Hours</b>	<b>Change in Burden due to Rule</b>
	authorities				
816/817.57 Activities in, through, or adjacent to perennial or intermittent streams	Operators	0	0	0	0
	State regulatory authorities	1,167	40	46,680	0
816/817.62 Use of explosives: Preblasting survey	Operators	8,950	8	71,600	0
	State regulatory authorities	0	0	0	0
816/817.64 Use of explosives: Blasting schedule	Operators	1,859	4	7,436	0
	State regulatory authorities	0	0	0	0
816/817.67 Use of explosives: Control of adverse effects	Operators	250,965	1.2	301,158	0
	State regulatory authorities	0	0	0	0
816/817.71 Disposal of excess spoil: Quarterly report	Operators	7,824	28	219,072	0
	State regulatory authorities	0	0	0	0
816/817.71 Disposal of excess spoil: Daily log	Operators	29,848	1	29,848	29,848
	State regulatory authorities	0	0	0	0
816/817.74 Disposal of excess spoil: Preexisting benches	Operators	1	2	2	2
	State regulatory authorities	1	1	1	1
816/817.81 Coal mine waste: General requirements	Operators	79	70	5,530	0
	State regulatory authorities	0	0	0	0
816/817.83 & .87 Coal mine waste: Refuse piles and Burning and	Operators	5,912	12	70,944	0
	State	0	0	0	0

<b>30 CFR 816/817 Section</b>	<b>Type of Respondent</b>	<b>Average No. of Annual Responses</b>	<b>Annual Hour Burden per Response</b>	<b>Total Annual Burden Hours</b>	<b>Change in Burden due to Rule</b>
burned waste utilization	regulatory authorities				
816/817.116 Revegetation	Operators	1,529	80	122,320	0
	State regulatory authorities	2	120	240	0
817.121 Subsidence control	Operators	104	40	4,160	0
	State regulatory authorities	0	0	0	0
817.122 Subsidence control: Public notice	Operators	3,378	1	3,378	0
	State regulatory authorities	0	0	0	0
816/817.131 Cessation of operations: Temporary	Operators	191	4	764	0
	State regulatory authorities	0	0	0	0
816/817.151 Primary roads	Operators	358	24	8,592	0
	State regulatory authorities	0	0	0	0
<b>Total Hour Burden Increase by Respondent due to Rulemaking</b>	Operators	403,665		1,807,617	0
	State regulatory authorities	1,220		46,746	26
<b>Total Hour Burden Increase</b>		<b>404,885</b>		<b>1,854,563</b>	<b>0</b>

b. Estimated Wage Cost to Respondents

OSMRE has estimated wage costs for respondents: industry and state regulatory employees. OSMRE has derived these wages from the Bureau of Labor Statistics (BLS) websites at ([http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm) for industry wages, and [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm) for state employees (both updated May 2014). Benefits have been calculated using a rate of 1.4 of the salary for industry personnel and 1.5 for State employees per the BLS news release USDL-15-0386,

EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—DECEMBER 2014, dated March 11, 2015 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

**Industry Wage Cost**

Position	Cost Per Hour (\$)	Hourly Rate with Benefits (x 1.4) (\$)	Percent of time spent on collection	Weighted Average per hour
Administrative Support	18.79	26.31	10%	\$2.63
Environmental Engineer	39.46	55.24	40%	\$22.10
Engineer (General)	41.99	58.79	40%	\$23.52
Operations Manager	58.31	81.63	10%	\$8.16
Total			100%	0

Therefore, the estimated total annual wage cost for industry respondents including implementation of provisions of the Stream Protection Rule for parts 816 and 817 is \$56.41 per hour x 403,665 hours = \$22,770,743.

**State Wage Cost**

Position	Cost Per Hour (\$)	Hourly Rate with Benefits (x 1.5) (\$)	Percent of time spent on collection	Weighted Average per hour
Administrative Support	17.61	26.31	10%	\$2.63
Environmental Scientist	29.53	44.30	40%	\$17.72
Engineer (General)	37.95	56.93	40%	\$22.77
Operations Manager	44.47	66.71	10%	\$6.67
Total			100%	0

Therefore, the estimated total annual wage cost for state respondents when implementing the Stream Protection Rule for parts 816 and 817 is \$49.79 per hour x 2,092 hours = \$104,161.

Therefore, the estimated total annual wage costs for all respondents incorporating the Stream Protection Rule is \$22,874,904.

13. *Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)*
- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
  - \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
  - \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

a. Annualized Capital and Start-up Costs

The information collection requirements of 30 CFR 816/817 do not involve any capital or start-up costs unique to these requirements.

b. Operation, Maintenance and Services

We have estimated non-wage operation and maintenance costs to mine permit operators, including anticipated non-wage costs associated with the proposed Stream Protection Rule for parts 816 and 817 as follows:

**NON-WAGE COST BURDEN FOR 30 CFR PARTS 816 & 817**

<b>SECTION</b>	<b>Number of Annual Responses</b>	<b>Cost Per Response (\$)</b>	<b>Total Non-Wage Cost (\$)</b>	<b>Change in Non-Wage Cost due to Rule (\$)</b>
816/817.34	446	700	312,200	312,200
816/817.35	33,488	134	4,487,392	2,812,992
816/817.36	38,272	134	5,128,448	3,214,848
816/817.37	446	4,550	2,029,300	2,029,300
816/817.41	50	0	0	0
816/817.49 (new)	2,148	25	53,700	0
816/817.49 (pre-existing)	17,817	25	445,425	0
816/817.57	1,167	50	58,350	0
816/817.62	8,950	100	895,000	0
816/817.64	1,859	75	139,425	0
816/817.67	250,965	3.70	929,500	0
816/817.71 (Quarterly)	7,824	100	782,400	0
816/817.71 (Daily)	29,848	0	0	0
816/817.74	1	0	0	0
816/817.81	79	0	0	0
816/817.83/ .87	5,912	100	591,200	0
816/817.116	1,529	100	152,900	0
817.121	104	25	2,600	0
817.122	3,378	3	10,134	0
816/817.131	191	0	0	0
816/817.151	358	100	35,800	0
<b>Total Cost Burden</b>			<b>0</b>	<b>0</b>

14. *Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff),*



and any other expense that would not have been incurred without this collection of information.

The total hourly burden to the federal government is as follows:

SECTION	OVERSIGHT BURDEN HOURS (in 12 States)	FEDERAL PROGRAM			TOTAL HOURS
		Responses	Hour Burden	Total Burden Hours	
816/817.34	24 (.5 hr/state)	0	0	0	24
816/817.35	36 (3 hrs/state)	0	0	0	36
816/817.36	36 (3 hrs/state)	0	0	0	36
816/817.37	144 (12 hrs/state)	0	0	0	144
816/817.41	24 (.5 hr/state)	0	0	0	24
816/817.49 (new)	96 (8 hrs/state)	0	0	0	96
816/817.49 (pre-existing)	24 (2 hr/state)	0	0	0	24
816/817.57	480 (40 hrs/state)	3	40	120	600
816/817.62	24 (2 hrs/state)	0	0	0	24
816/817.64	12 (1 hr/state)	0	0	0	12
816/817.67	12 (1 hr/state)	0	0	0	12
816/817.71 (Quarterly)	48 (4 hrs/state)	0	0	0	48
816/817.71 (Daily)	12 (1 hr/state)	0	0	0	12
816/817.74	12 (1 hr/state)	0	0	0	12
816/817.81	24 (2 hrs/state)	0	0	0	24
816/817.83/ .87	36 (3 hrs/state)	0	0	0	36
816/817.116	36 (3 hrs/state)	0	0	0	36
817.121	0	0	0	0	0

	(0 hrs/state)				
817.122	0 (0 hrs/state)	0	0	0	0
816/817.131	6 (.5 hr/state)	0	0	0	6
816/817.151	0 (0 hrs/state)	0	0	0	0
TOTALS	1,086	0	0	0	0

Oversight. Due to the promulgation of the Stream Protection rule, we anticipate conducting an oversight review of state compliance with parts 816 and 817 in 12 of the 24 states. A GS-12/10 Reclamation specialist will conduct the oversight reviews, costing \$65.60 per hour. Wage costs are based on U.S. Office of Personnel Management Salary Table 2015 located at [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/RUS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/RUS_h.pdf). A multiplier of 1.5 [as implied by BLS new release USDL-15-1132, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—MARCH 2015 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)] was added for benefits.

At \$65.60 per hour x 1,086 hours to conduct oversight = \$71,242.

Federal Programs. Where OSMRE is the regulatory authority, we estimate expending 120 hours in reviewing information supplied by parts 816 and 817 in Federal Program states. Therefore, \$65.60 per hour x 120 hours = \$7,872.

The total cost to the Federal government is \$79,114.

15. *Explain the reasons for any program changes or adjustments in hour or cost burden.*

This information collection request will increase the burden due to the proposed Stream Protection Rule. The burden change is demonstrated below:

1,963,782	hours currently approved
+ 46,535	hours as program changes
2,010,317	hours requested

This information collection request will also increase non-wage burden costs by \$8,369,340 due to program changes, for a total non-wage cost of \$17,031,749.

16. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

Not applicable. OSM has no plans to publish the information.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

18. *Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

Not applicable. There are no exceptions to OMB's *Certification for Paperwork Reduction Act Submissions*.