

Supporting Statement A
30 CFR Parts 816 and 817—Permanent Program Performance Standards for
Surface and Underground Mining Activities

OMB Control Number 1029-0047

Terms of Clearance: None

Introduction

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are submitting this information collection clearance package to request renewal of our authority to collect information and require retention of records under 30 CFR Part 816-Permanent Program Performance Standards—Surface Mining Activities, and 30 CFR Part 817-Permanent Program Performance Standards—Underground Mining Activities. OMB previously reviewed and approved this consolidated collection of information and recordkeeping and assigned it clearance number 1029-0047.

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 Information Collection Request (ICR) contain surveys, censuses, or employ statistical methods?” is checked “Yes,” then a Supporting Statement B must be completed. The Office of Management and Budget (OMB) reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

The regulations in 30 CFR Part 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 and reclamation 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 Part 817 set forth the minimum environmental protection performance standards for underground coal mining operations. 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.

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.*

816/817.41: The information required under 30 CFR 816/817.41 is needed and used to monitor and determine the impact of the operation on water quality and the hydrologic balance, the protection of which is one of the requirements of SMCRA.

816/817.43: The findings that the regulatory authority must make before approving a stream-channel diversion are needed to ensure that consideration has been given to the environmental protection requirements of the Act. Regulatory authorities rely in part upon the certification requirements of 30 CFR 816/817.43 to ensure that stream-channel diversions are designed in accordance with all applicable requirements and are constructed in accordance with approved plans to be stable and environmentally sound.

816/817.46: These sections include a provision at 30 CFR 816/817.46(b)(3) with information collection implications. Under that provision, a qualified registered professional engineer or qualified registered professional land surveyor must certify, upon completion of construction, that a siltation structure has been constructed as designed and approved. Since virtually all siltation structures are impoundments, this requirement is effectively subsumed by the impoundment certification requirements of 30 CFR 816/817.49(a)(11), which has its own information collection budget. Therefore, we are not including a separate information collection burden estimate for 30 CFR 816/817.46.

816/817.49: The inspections and reports required under 30 CFR 816/817.49(a)(11) are intended to ensure that the impounding structure is constructed in accordance with the approved design plan and will not present a hazard to the public because of unsafe construction practices or lack of proper maintenance. Both the operator and the regulatory authority use the information in the report to ensure the safety and stability of the impounding structure. Without the report, monitoring the condition and safety of the impounding structure would be difficult, and persons might not be aware of changing

conditions of the structure or when it may become a hazard to the health and safety of the public.

816/817.57: Sections 816/817.57 prohibit mining activities from disturbing land within 100 feet of an intermittent or perennial stream unless the regulatory authority specifically authorizes those activities closer to or through the stream. The regulations provide that the regulatory authority may authorize such activities only after making a finding that the activities will not adversely affect water quantity and quality or other environmental resources of the stream, among other things. Regulatory authorities use this finding and its underlying analyses to help protect streams and related environmental resources from adverse mining-related impacts.

816/817.61(d): The information collection requirements under 30 CFR 816.61(d) are subsumed within 30 CFR 780.13, which requires submission of a blasting plan for all surface mines that involve the use of explosives. Therefore, the burden for preparation of a blast design for surface mines is included in the burden for 30 CFR 780.13. There is no counterpart to 30 CFR 780.13 for underground mines. However, we do not anticipate that any underground mines will need to prepare a blast design under 30 CFR 817.61(d). Therefore, we are not including a burden estimate or request for 30 CFR 817.61.

816/817.62: Section 515(b)(15)(E) of the Act imposes detailed planning, preblast survey, permitting, and record-keeping requirements on persons planning to conduct surface coal mining operations that involve the use of explosives. The preblast survey must determine the condition of the dwelling structure and document any damage and other physical factors that could reasonably be affected by the blasting. In addition, the assessment must include the surface conditions and readily available data about structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems. The regulatory authority, the operator and the owner of the structure can use the preblast survey reports to assess and compare conditions before blasting with those after blasting. In the absence of this information, there would be no way to fairly determine claims against the operator and no way for the owner to determine that blasting has or has not caused damage. This information can be also used as evidence in litigation. In addition to establishing a preblast record of the condition of structures, the survey opens lines of communication between the mining operator and the affected public.

816/817.64: Section 515(b)(15)(A) of the Act requires surface coal mine operators to provide adequate advance written notice to local governments and residents who might be affected by the use of explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality, and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed permit area where blasting will occur and by providing daily notice to resident/occupiers in such areas prior to any blasting. The regulations at 30 CFR 816.64 implement this statutory provision. Recognizing the differences between surface and underground mining, the

rules at 30 CFR 817.64 did not impose the newspaper notice requirement on underground mines, although they do contain the other notice requirements.

816/817.67: This section incorporates the requirements of Section 515(b)(15)(C) of the Act which requires that blasting at surface coal mining operations be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area. Airblasts are airborne shock waves resulting from the detonation of explosives. Ground vibrations are elastic waves emanating from a blast and propagating through soil and rock. The operator must monitor both airblast and ground vibration to document adherence to the limits established by the regulatory authority.

816/817.68: Section 515(b)(15)(B) of the Act require surface mine operators using explosives to maintain blast records for a period of at least three years. Upon request, copies of the records must be available to the public for inspection. The regulations at 30 CFR 816/817.68 implement these statutory provisions, with recordkeeping requirements tailored to the method used to measure ground vibration. However, mine operators collected and maintained similar information before the enactment of SMCRA. Collection and maintenance of the information required under this section are customary business practices for insurance and legal purposes. Therefore, we are not including the time and expense required to prepare and maintain blasting logs as part of the information collection burden for 30 CFR Parts 816 and 817.

816/817.71: Section 515(b)(22) of SMCRA requires that all excess spoil be placed in a manner that will assure mass stability and safety and that will be compatible with the natural drainage pattern and surrounding landforms. The Act also requires that a qualified registered professional engineer certify the design of the spoil disposal area as being in conformance with professional standards. The inspections, reports, and certifications required by 30 CFR 816/817.71(h) are intended to assure that the fill is constructed in accordance with the approved design plans. The information is needed to ensure public safety and prevent environmental damage from fill failures.

816/817.81: Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Regulatory authorities rely upon the design certification requirements of 30 CFR 816/817.81 to ensure that the coal mine waste disposal facility is designed in accordance with current, prudent engineering practices and does not present a public hazard or threat to property.

816/817.83: Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Regulatory authorities use the reports required under 30 CFR 816/817.83(d) to ensure that refuse piles are constructed as designed and in a safe and stable manner that will minimize environmental damage and threats to public safety and public and private property.

816/817.87: Under 30 CFR 816/817.87, the operator must develop a plan for extinguishing burning coal mine waste and handling or removing burning or burned coal mine waste, when applicable. The plan must be submitted to and approved by the regulatory authority. However, because this is a requirement that applies only in emergency and unanticipated situations, we are not including a request for an information collection budget for 30 CFR 816/817.87. It is not a routine or recurring event or requirement.

816/817.116: Paragraph (a) of these sections requires that regulatory authorities establish revegetation success standards and statistically valid sampling techniques for use in determining revegetation success and make these standards and techniques available to the public. In combination with 30 CFR 800.40, the other paragraphs of these sections require documentation of compliance with revegetation success standards before the regulatory authority may approve final bond release. Sections 515(b)(19), 515(b)(20), and 516(b)(6) of SMCRA provide the legal basis for these regulations. Sections 515(b)(19) and 516(b)(6) require that surface coal mining and reclamation operations establish a permanent vegetative cover that meets certain criteria on all disturbed lands. Section 515(b)(20) specifies the length of the revegetation responsibility period, which determines in part how long and how many times the permittee must measure revegetation parameters.

817.121: Section 516(b)(1) of SMCRA, which specifies that each permit for an underground mine must require the operator to adopt measures to prevent subsidence to the extent technologically and economically feasible. 30 CFR 817.121(c)(5) specifies that the regulatory authority must require that the operator of an underground mine obtain additional performance bond to cover the cost of correcting any subsidence damage or water supply disruption that lasts beyond 90 days. 30 CFR 817.121(g), requires that each underground mine operator submit a detailed plan of the underground workings within a schedule approved by the regulatory authority. Regulatory authorities use the detailed plans submitted under 30 CFR 817.121(g) to evaluate compliance with the subsidence control plan submitted and approved under 30 CFR 784.20.

817.122: This section specifies that the operator of an underground mine must mail a notification to all owners and occupants of surface property and structures above the planned underground workings at least 6 months before mining. Persons who reside or own property overlying areas of planned underground mine workings use the notice required under 30 CFR 817.122 to prepare for any potential impacts of that mining.

816/817.131: These sections require that a person who plans to cease surface or underground mining activities on a temporary basis for more than 30 days first notify the regulatory authority. The required information is intended to ensure that the permittee notifies the regulatory authority of the cessation and identifies the environmental

monitoring and protection activities that will continue during the period of temporary cessation.

816/817.133: Paragraph (d) of this section, which concerns variances from approximate original contour restoration requirements, includes several provisions requiring notification and consultation with other agencies, written consent from the landowner, and certification by an engineer. However, the information collection burden for these provisions is included as part of the burden for 30 CFR 785.16, which effectively duplicates and incorporates the requirements of 30 CFR 816/817.133(d). Therefore, we are not including a separate information collection burden request for 30 CFR 816/817.133.

816/817.151: Section 515(b)(17) of SMCRA provides that all surface coal mining and reclamation operations must insure that the construction of access roads will control or prevent erosion and siltation, water pollution, property damage, and damage to fish and wildlife or their habitat. Section 516(b)(10) of SMCRA provides that, with respect to the construction of new roads or the improvement or use of existing roads, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act. Regulatory authorities rely in part upon the construction certification requirements of 30 CFR 816/817.151 to ensure that mine roads are constructed in accordance with current, prudent engineering practices and to ensure that they do not present an environmental hazard or threat to property.

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.***

We encourage, but do not require, the use of electronic information collection and submission techniques whenever appropriate and feasible. Generally, monitoring reports and some permit applications are prepared and submitted electronically, while engineering certifications, notification letters, newspaper notices, and preblast surveys are in paper form. We provide training, software, and technical assistance to states to promote the use of electronic information technology systems. Approximately 75% of responses are currently received electronically.

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 collection requirements of 30 CFR Parts 816 and 817 do not duplicate information collection requirements under other laws and regulations. OSMRE is the

only Federal agency charged with implementation of SMCRA with respect to performance standards for surface and underground mining activities. As required by SMCRA, our rules are structured to maximize coordination with other agencies and minimize duplication. When appropriate, our rules reference or incorporate requirements under the Clean Water Act or Mine Safety and Health Administration requirements rather than establishing separate requirements for the same purpose.

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 ensure or document that mining and reclamation activities are being conducted in a manner that ensures protection of public health and safety and minimizes environmental disturbances.

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 under 30 CFR Parts 816 and 817, or collection at less frequent intervals, would impair the ability of OSMRE 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, SMCRA 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.***

This collection of information conforms with the guidelines in 5 CFR 1320.5(d)(2); for example, 30 CFR Parts 816 and 817 do not require that collection of information be conducted in a manner that—

- requires respondents to report information to the agency more often than quarterly;
- requires respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requires respondents to submit more than an original and two copies of any document;
- requires 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, is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requires the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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
- requires 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.

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.

We contacted the following state regulatory authorities and mining companies that prepare mining permit applications. We supplied a concise description of the type of information collection burden imposed by 30 CFR Parts 816 and 817, the currently approved burden, and proposed wage and nonwage burden estimates, along with a request for input on the associated information collection requirements and any other comments they wished to make regarding the clarity of the rules and potential burden.

Colorado Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street St. 215
Denver, Colorado 80203

Oklahoma Department of Mines
Wagoner Field Office
1102 W. Cherokee, Suite D
Wagoner, Oklahoma 74467

Pennsylvania Department of Environmental Protection
25 Technology Drive
California Technology Park
Coal Center, Pennsylvania 15423

Phoenix Coal Company
310 S Scraper Street
P.O. Box 498
Vinita, Oklahoma 74301

CNX Coal Resources L.P.
CNX Center
1000 Consol Energy Drive

Canonsburg, Pennsylvania 15317-6506

Tri-State Generation and Transmission Association, Inc.
1100 West 116th Avenue
Westminister, Colorado 80234

Coal operators contacted suggested revisions to the hourly burden for industry for most sections. One state regulatory authority contacted suggested revisions to the hourly burden for the regulatory authority for most sections while two other state regulatory authorities contacted suggested that the hourly burden for most categories remain the same. Although invited to do so, respondents did not comment on the availability of data, the frequency of collection, and the clarity of instructions or the data elements reported.

On August 16, 2017, OSMRE published in the Federal Register (82 FR 38932) a notice requesting 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 gave the public 60 days in which to comment. However, no comments were received.

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

OSMRE provides no 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.

No confidential information is solicited under 30 CFR Parts 816 and 817. However, with respect to information required under other regulations, the permit applicant has the right to request confidentiality for such information as analysis of the chemical and physical properties of the coal to be mined. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential. The Archeological Resources Protection Act of 1979, 16 U.S.C. § 470, requires that information on the nature and location of archeological resources on public lands and Indian lands be kept confidential.

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.

There are no questions of a sensitive nature 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. Instead, this cost should be included under "Annual Cost to Federal Government."**

a. Burden Hour Estimates for Respondents

The following table summarizes the information collection requirements and changes to the current collection burden for 30 CFR Parts 816 and 817.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PARTS 816 AND 817

| Section (816/817) | Industry Responses | Industry Hours per Response | State Responses | State Hours per Response | Total Hours Requested | Currently Approved Burden Hours | Changes to Burden Hours |
|--------------------|--------------------|-----------------------------|-----------------|--------------------------|-----------------------|---------------------------------|-------------------------|
| .41 ¹ | 79,984 | 5 | 0 | 0 | 399,920 | 575,432 | -175,512 |
| .43 | 722 | 31 | 361 | 53 | 41,515 | 10,800 | 30,715 |
| .49 (new) | 900 | 38 | 0 | 0 | 34,200 | 88,068 | -53,868 |
| .49 (pre-existing) | 16,857 | 24 | 0 | 0 | 404,568 | 427,608 | -23,040 |
| .57 | 0 | 0 | 1,309 | 40 | 52,360 | 46,680 | 5,680 |
| .62 | 3,750 | 8 | 0 | 0 | 30,000 | 71,600 | -41,600 |
| .64 | 2,115 | 4 | 0 | 0 | 8,460 | 7,436 | 1,024 |
| .67 | 285,525 | 1.1 | 0 | 0 | 314,078 | 301,158 | 12,920 |
| .71 | 6,804 | 29 | 0 | 0 | 197,316 | 219,072 | -21,756 |
| .81 | 13 | 47 | 0 | 0 | 611 | 5,530 | -4,919 |
| .83 | 5,260 | 12 | 0 | 0 | 63,120 | 70,944 | -7,824 |
| .116 | 1,540 | 107 | 2 | 120 | 165,020 | 122,560 | 42,460 |
| 817.121 | 40 | 40 | 0 | 0 | 1,600 | 4,160 | -2,560 |
| 817.122 | 3,012 | 4 | 0 | 0 | 12,048 | 3,378 | 8,670 |
| .131 | 169 | 4 | 0 | 0 | 676 | 764 | -88 |
| .151 | 206 | 34 | 0 | 0 | 7,004 | 8,592 | -1,588 |
| TOTALS | 0 | | 1,672 | | 1,732,496 | 00 | -231,286 |

Notes:

1. The discharge sampling, analysis, and reporting required under the National Pollutant Discharge Elimination System (NPDES) are not counted as a burden imposed by 30 CFR 816/817.41.

b. Estimated Annual 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 for industry wages; and http://www.bls.gov/oes/current/naics4_999200.htm for state employee wages. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel, and 1.6 for state employees per the BLS news release USDL-17-1222, dated September 8, 2017, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2017, (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

OSMRE has estimated the wage cost as follows, including benefits:

Industry Wage Cost

| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Administrative Support | \$27.30 | 5% | \$1.37 |
| Engineering Technician | \$42.25 | 65% | \$27.46 |
| Blaster | \$43.62 | 5% | \$2.18 |
| Hydrologist | \$56.36 | 5% | \$2.82 |
| Mining Engineer | \$59.40 | 15% | \$8.91 |
| Operations Manager | \$82.18 | 5% | \$4.11 |
| Total | | 100% | 0 |

At an average cost of \$46.85 per hour, the estimated total annual cost for industry respondents is 1,660,763 hours x \$46.85 = \$77,806,747.

In addition, it takes 71,733 hours for state regulatory authorities to review and prepare findings required by this Part. We estimate that the wage cost is \$36.53 per hour including benefits. Therefore, the estimated total annual wage cost for state regulatory authorities for Parts 816 and 817 is \$36.53 per hour x 71,733 hours = \$2,620,406.

Therefore, we estimate that the total annual wage cost for all respondents will be \$77,806,747 for industry + \$2,620,406 for state regulatory authorities = \$80,427,153.

13. Provide an estimate of the total annual non-hour cost burden to respondents or record keepers 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.**

SUMMARY OF NON-WAGE COSTS FOR 30 CFR PARTS 816/817

| Section (816/817) | Current Total Respondent Non-Wage Costs (\$) | Requested Total Respondent Non-Wage Costs (\$) | Changes to Respondent Non-Wage Costs (\$) |
|----------------------|--|--|---|
| .41 | 4,426,400 | 20,235,952 | 15,809,552 |
| .43 | 9,000 | 3,600 | -5,400 |
| .49 | 629,700 | 1,153,800 | 524,100 |
| .57 | 58,350 | 65,450 | 7,100 |
| .62 | 895,000 | 626,250 | -268,750 |
| .64 | 139,425 | 581,625 | 442,200 |
| .67 | 929,500 | 1,761,795 | 832,295 |
| .71 | 782,400 | 1,360,800 | 578,400 |
| .81 | 0 | 0 | 0 |
| .83 | 591,200 | 526,000 | -65,200 |
| .116 | 152,900 | 423,500 | 270,600 |
| 817.121 | 2,600 | 2,000 | -600 |
| 817.122 | 10,134 | 9,036 | -1,098 |
| .131 | 0 | 0 | 0 |
| .151 | 35,800 | 37,698 | 1,898 |
| TOTALS | 0 | 0 | 18,125,097 |

The significant increase in §§ 816/817.41 of \$15,809,552 is primarily the result of more accurate estimates of laboratory costs. OSMRE contacted water testing labs which provided more accurate estimates of how much they charge coal operators. This re-estimate is not a result of a program change, it is a more accurate estimate of their business activities.

- 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.**

Wage costs for OSMRE employees are calculated based on the Office of Personnel Management website: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/RUS_h.pdf. We have also included a benefits factor of 1.6 for Federal employees in accordance with the BLS news release USDL-17-1222. Assuming a GS-12/5 regulatory program specialist/hydrologist will review the applications and conduct oversight, it will cost the Federal government \$62.70 per hour.

SUMMARY OF FEDERAL BURDEN AND COSTS

| SECTION | OVERSIGHT STAFF HOURS (in 1 State) | FEDERAL PROGRAM | | | TOTAL STAFF HOURS | TOTAL FEDERAL WAGE COSTS (\$) |
|-------------|------------------------------------|-----------------|-------------|-------------------|-------------------|-------------------------------|
| | | Responses | Staff Hours | Total Staff Hours | | |
| 816/817.41 | 40 | 0 | 0 | 0 | 40 | 2,508 |
| 816/817.43 | 40 | 1 | 5 | 5 | 45 | 2,822 |
| 816/817.49 | 120 | 0 | 0 | 0 | 120 | 7,524 |
| 816/817.57 | 40 | 3 | 30 | 90 | 130 | 8,151 |
| 816/817.62 | 20 | 0 | 0 | 0 | 20 | 1,254 |
| 816/817.64 | 20 | 0 | 0 | 0 | 20 | 1,254 |
| 816/817.67 | 20 | 0 | 0 | 0 | 20 | 1,254 |
| 816/817.71 | 40 | 0 | 0 | 0 | 40 | 2,508 |
| 816/817.81 | 20 | 0 | 0 | 0 | 20 | 1,254 |
| 816/817.83 | 40 | 0 | 0 | 0 | 40 | 2,508 |
| 816/817.116 | 40 | 0 | 0 | 0 | 40 | 2,508 |
| 816/817.121 | 0 | 0 | 0 | 0 | 0 | 0 |
| 816/817.122 | 0 | 0 | 0 | 0 | 0 | 0 |
| 816/817.131 | 20 | 0 | 0 | 0 | 20 | 1,254 |
| 816/817.151 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 0 | | | 0 | 0 | 0 |

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

The current OMB-approved information collection burden for 30 CFR 816/817 is 1,963,782 hours. We are now requesting 1,732,496 burden hours for these sections, a decrease of 231,286 hours. This is generally a result of an overall reduction in the number of permits annually.

1,963,782 hours currently approved by OMB
- 231,286 hours due to an adjustment (decrease in usage)
1,732,496 hours requested

The currently approved non-wage cost burden for 30 CFR 816/817 is \$8,662,409. We are now requesting approval for \$26,787,506, an increase of \$18,125,097. This significant increase is primarily due to the cost to process water quality samples. For example, in 2014, the average sample collection cost \$50. In 2016, the average sample collection cost, as reported by industry was \$253. Therefore, we have revised the non-wage estimate to \$20,235,952, an increase of \$15,809,552.

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.

OSMRE has no plans to publish the information collected.

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.

OSMRE 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."

There are no exceptions to the certification statement, "Certification for Paperwork Reduction Act Submissions."