

1SUPPORTING STATEMENT A

30 CFR 822 – Special Permanent Program Performance Standards – Operations in Alluvial Valley Floors

OMB Control Number: 1029-0049

Terms of Clearance: None

Justification

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

Sections V (510(b)(5) and 515(b)(10)(F)) of the Surface Mining Control and Reclamation Act of 1977 (**SMCRA**) **protect alluvial valley floors (AVFs)** from adverse impacts of surface coal mining operations west of the 100th meridian. To implement these statutory protections, **30 CFR 822.13** requires permittees to install, maintain, and operate a monitoring system to evaluate potential effects of mining activities on AVFs. The information collected through these monitoring systems is necessary for regulatory authorities to ensure that the hydrologic and vegetative conditions of AVFs are preserved as required under SMCRA.

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.

Information on surface water, groundwater, and vegetation collected before, during, and after mining is used by State regulatory authorities to determine whether surface coal mining operations will;

- avoid interrupting or precluding farming on irrigated or sub-irrigated AVFs;
- avoid materially damaging the quantity or quality of the hydrologic system supplying water to AVFs; and
- preserve the essential hydrologic functions of AVFs throughout mining and reclamation.

Historically, the Office of Surface Mining Reclamation and Enforcement (OSM) and State regulatory authorities have relied on this information to evaluate permit applications, assess compliance with hydrologic performance standards, and enforce reclamation requirements under Title V of SMCRA.

This information collection does **not involve a form or questionnaire**. Instead, permittees **submit monitoring data** required under 30 CFR 822.13. Permittees utilize qualified hydrologists to collect the necessary hydrologic and vegetative measurements

at AVF sites. Hydrologists provide the monitoring results to the permittee, who then submits the information to the State regulatory authority as part of required reporting.

Regulatory program specialists review these data to **evaluate potential and actual impacts of proposed and ongoing mining operations**, verify compliance with permanent program performance standards, and support permit decisions and enforcement actions.

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

Coal operators and State regulatory authorities may use electronic methods to submit and receive the required monitoring data. Because the **information is site-specific** and generated by hydrologists, respondents choose the format that best fits their monitoring systems. Most States contacted reported that operators typically submit data electronically. This collection complies with GPEA because electronic submission is permitted and commonly used, reducing burden and facilitating efficient data transfer.

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 collected under 30 CFR part 822 is site-specific and unique to each coal mining operation that may affect AVFs. **Existing hydrologic or environmental datasets cannot be used as substitutes** because § 822.13 requires monitoring systems designed specifically for the characteristics and conditions of each individual AVF. No other Federal, State, or local entity collects information in a manner that satisfies these regulatory requirements for evaluating hydrologic impacts on AVFs. Therefore, this collection is narrowly prepared and does not duplicate any other existing information.

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

The collection of hydrologic data required under 30 CFR part 822 does not significantly affect small businesses or other small entities. **Respondents are coal mine permittees, which are generally not classified as small entities.** The required monitoring is a normal component of mining and reclamation operations. Burden is minimized by allowing electronic submission of information and by accepting existing records when they meet regulatory requirements.

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.

If this information was not collected or was collected less frequently, OSM and State regulatory authorities would be unable to make the determinations required under 30 CFR part 822 to ensure protection of AVFs. Insufficient data would hinder compliance with SMCRA and increase the risk of adverse hydrologic and environmental impacts. Because the required information is site-specific and needed on an ongoing basis to monitor mining impacts, the collection frequency cannot be reduced without compromising regulatory oversight and program effectiveness.

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 information collection complies with the guidelines in 5 CFR 1320.5(d)(2). It **does not involve any special circumstances** such as more frequent than quarterly reporting, shortened response times, excessive record retention, unsupported confidentiality pledges, or submission of proprietary information beyond what regulations require. No exceptions apply.

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.

8(a). Federal Register Notice

On June 22, 2026, OSM published in the Federal Register (91 FR 37139) 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.

8(b). Consultation with Persons Outside the Agency

In addition to the required Federal Register notice, OSM consulted with representatives from State regulatory authorities that administer permits involving AVFs. These consultations were conducted in accordance with the Paperwork Reduction Act requirement to seek external input at least once every three years. State representatives were asked to provide feedback on data availability, clarity of instructions, reporting formats, frequency of data submission, and the accuracy of burden estimates.

All respondents reported that the current information collection requirements remain appropriate, clear, and consistent with existing regulatory responsibilities. No concerns were raised regarding reporting burden, data availability, or the feasibility of required submissions. Each representative also validated the estimated burden hours associated with AVF monitoring activities.

Persons Consulted:

- Coal Program Director, Active Mines, Division of Reclamation, Mining and Safety, Colorado Department of Natural Resources
 - o Reported that Colorado administers 14 AVF permits.
- Director, Reclamation & AML Divisions, North Dakota Public Service

Commission

- o Reported that North Dakota administers 0 AVF permits.
- Program Manager, Division Services – Land Quality Division, Wyoming Department of Environmental Quality
 - o Reported that Wyoming administers 11 AVF permits.

These consultations confirmed that the information collection remains reasonable, necessary, and consistent with State-level implementation of AVF requirements. No circumstances prevented consultation during this renewal cycle.

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

No payments or gifts are provided to respondents in connection with this information collection.

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

No assurances of confidentiality are provided. This information collection does not involve confidential, proprietary, or personally identifiable information, and there is no statutory or regulatory basis for offering confidentiality for the data submitted.

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.

This information collection does not include any questions of a sensitive nature. It does not request information related to sexual behavior or attitudes, religious beliefs, or other matters commonly considered private.

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.**

12(a). Estimate of Burden to Respondents

OSM received responses from three of the eight States where this information collection is relevant. These responses listed a total of 25 permits that include AVF for those three States. Assuming the other five States have similar numbers of permits, we **estimate a total of 67 permits that include AVF for all eight States**. This is calculated as the average number of AVFs administered by the three State respondents ($25 \div 3 \approx 8.33$) multiplied by eight States.

1. Reporting Burden (Mine Operators)

The burden to private-sector respondents is based on verifiable data and the operational experience of OSM regional offices. It is estimated that monitoring each AVF site requires an average of 160 hours per year to complete the information collection and reporting requirements under 30 CFR Part 822. This estimate was originally derived from input provided by State and industry respondents during prior consultation cycles, as well as OSM's independent observations of active AVF monitoring programs, and has been retained for this renewal following confirmation from the State representatives identified in Item 8 that the estimate remains accurate.

Although AVF acreage and site-specific conditions vary among permits, respondents consistently reported that the full suite of required monitoring activities—surface-water and groundwater data collection, water-quality laboratory analysis, data interpretation, and preparation of the annual report—requires approximately the same amount of effort across sites. This is because AVF monitoring programs typically involve multiple sampling events throughout the year and extensive data evaluation, particularly for mine permits in the West where AVF-related operations often encompass large areas.

OSM's independent field monitoring and review of submitted reports confirm that 160 hours per permit remains a realistic and representative estimate, consistent with previous approvals. Accordingly, OSM continues to use the established estimate of **160 burden hours per AVF**.

Annual burden calculation:

$67 \text{ AVF} \times 1 \text{ monitoring report} \times 160 \text{ hours per permit} = \mathbf{10,720 \text{ hours}}$

2. Reviewing Burden (State Regulatory Authorities)

Based on discussions with the regulatory authorities identified in Item 8, OSM estimates that State Regulatory Authorities (SRAs) require an average of **15 hours per year** to review each annual AVF monitoring report and its associated data. This estimate is consistent with prior approvals and reflects the typical time needed to evaluate monitoring results, assess compliance with 30 CFR 822, and document the review in the administrative record.

SRAs indicated that review time does not vary substantially among AVF sites because each report contains a comparable set of monitoring data, analytical results, and hydrologic evaluations that must undergo a complete and systematic review. Because each SRA oversees multiple AVF permits, the eight States subject to this collection are expected to conduct an average of 8.33 permit reviews annually, for a combined national total of 67 reviews.

Annual burden calculation:

67 reports × 15 hours = **1,005 reviewing hours**

Summary of Annual Burden Hours

Information Collection (IC) Activity	Details	Respondents	Frequency / Permits per Year	Responses	Hours per Response	Total Annual hours
Reporting Burden (Mine Operators)	Time required to collect monitoring data, conduct laboratory analysis, perform data evaluation, and prepare the annual AVF report	67	1	67	160	10,720
Reviewing Burden (State Regulatory Authorities)	Time required for State regulatory authorities to review each annual monitoring report and associated data	8	8.33 (avg. AVF permits reviewed per State)	67	15	1,005
Total		75		134		11,725

*Frequency for Reviewing Burden reflects the estimated average number of AVF permits reviewed annually per State. OSM received responses from three of the eight States where this collection applies; those States reported a combined 25 permits ($25 \div 3 \approx 8.33$ permits per State). This average is extrapolated across all 8 States, yielding 67

permits nationally ($8 \times 8.33 \approx 67$, rounded to reconcile with the whole-permit count reported in Item 12(a)).

The total respondent count of 75 combines two distinct respondent universes: 67 individual mine operators (one per AVF permit, consistent with the permittee reporting obligation under 30 CFR 822.13(a)) and 8 State regulatory authorities (one per State with jurisdiction over AVF permits). These are summed for PRA reporting purposes but represent different types of respondents performing different activities.

Mine Operator Respondents: 67

SRA Respondents: 8

Total annual respondents: 75

Reporting burden: 10,720 hours

Reviewing burden: 1,005 hours

Total annual burden: 11,725 hours

b. Wage Cost for Respondents

Operator Cost (Private Sector): The skill level required for private-sector AVF monitoring corresponds to that of a Hydrologist, classified under U.S. Bureau of Labor Statistics (BLS) Occupation Code **19-2043 (Hydrologists)**. The reported mean hourly wage for hydrologists in the private sector (cross-industry, private ownership) is **\$49.81** (U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics, May 2025: <https://data.bls.gov/oes/#/area/0000000/2025>).

To account for employee benefits, OSM applies a **full-time private industry workers benefits multiplier of 1.46** based on the June 2026 BLS Employer Costs for Employee Compensation (ECEC) data (<https://www.bls.gov/news.release/ecec.nr0.htm>).

The loaded hourly wage is calculated as follows:

$$\$49.81 \times 1.46 = \$ 72.72 \text{ per hour.}$$

State Cost (Public Sector): The skill level required to review monitoring reports corresponds to that of an Environmental Protection Specialist III (Hydrologist Subject Matter Expert), also classified under BLS Occupation Code 19-2043 (Hydrologists) but restricted specifically to State Government (OES Industry Group 999200). The mean hourly wage for state-government employed hydrologists is \$47.05 (BLS OEWS, May 2025: <https://data.bls.gov/oes/#/industry/999000/2025>).

To account for employee benefits, OSM applies a **State and local government benefits multiplier of 1.63** based on the June 2026 BLS Employer Costs for Employee Compensation (ECEC) data (<https://www.bls.gov/news.release/ecec.nr0.htm>).

The loaded hourly wage is calculated as follows:

$\$47.05 \times 1.63 = \$76.69$ per hour.

Summary of Estimated Annual Respondent Wage Cost

Respondent / Position	Sector	Annual Burden Hours	Base Hourly Wage	Benefits Factor	Fully Loaded Hourly Rate	Annual Labor Cost
Hydrologists (19-2043)	Private Sector	10,720	49.81	1.46	\$72.72	\$779,558.40
Hydrologists (19-2043)	State Government (Public Sector)	1,005	47.05	1.63	\$76.69	\$77,073.45
Total		11,725				\$856,631.85

The total estimated annual respondent wage cost to comply with the information collection requirements of 30 CFR Part 822 is **\$856,632**, representing \$779,558.40 in private-sector operator costs and \$77,073.45 in public-sector State Regulatory Authority costs.

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, 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.

Total Annual Non-Wage Cost Burdens to Respondents

a. Annualized Capital and Start-Up Costs: \$0

There are **no capital or start-up costs** associated with this information collection. Respondents are not required to purchase new equipment, software, or monitoring systems beyond those already used as part of customary and usual business practices for compliance with 30 CFR 822.13.

b. Operation, Maintenance, and Purchase of Services Costs: \$0

There are **no additional operation, maintenance, or service costs attributable** to this information collection. All monitoring, sampling, and data management activities required under 30 CFR 822.13 are considered routine components of normal mining operations, and no separate non-hour costs are incurred for the purpose of meeting these reporting requirements.

Accordingly, the total annual non-wage cost burden to respondents is **\$0**.

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.

Annualized Federal costs for this information collection are limited to OSM's periodic oversight of State implementation of 30 CFR part 822.

Oversight Activities

Consistent with current oversight guidance, OSM conducts periodic oversight reviews of State-received monitoring reports. Based on historical data, OSM estimates that its staff spends an average of 17 minutes (0.2833 hours) per permit annually to review the State's evaluations and ensure compliance with 30 CFR Part 822.

Applying this average to the updated national total of 67 active permits, the estimated annual Federal staff time dedicated to oversight is 19 hours (18.96 hours unrounded):

67 AVF permits X 0.2833 hours per permit = **19 Federal staff hours**

A Regulatory Program Specialist at the **GS-12, Step 5** level has an hourly wage of **\$48.61** (Office of Personnel Management, 2026 General Schedule for the Rest of U.S.):

https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS_h.pdf).

To account for employee benefits, OSM applies a government benefits multiplier of **1.63** based on the June 2026 BLS Employer Costs for Employee Compensation (ECEC) data (<https://www.bls.gov/news.release/ecec.nr0.htm>).

The fully loaded Federal hourly rate is calculated as follows:

$\$48.61 \times 1.63 = \$79.23$ per hour.

Federal Program Costs

OSM is not the regulatory authority in any State that contains AVF. Therefore, there are **no additional Federal program costs** associated with administering 30 CFR part 822.

Total Annual Cost to the Federal Government

The annual oversight cost to the Federal Government is calculated as follows:

18.96 oversight hours × \$79.23 per hour = \$1,502.20

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

The previously approved burden estimate for 30 CFR part 822 was 4,550 hours. This Information Collection Request revises the burden to 11,725 hours. No program changes have been made to the underlying regulatory requirements; the adjustment reflects updated information on the number of active permits and associated monitoring activities. The change in burden is entirely attributable to OSM updating the statistical estimation approach used in prior years. OSM previously set our estimate of the total number of permits equal to the number of permits listed in the responses we received (with no extrapolation for States that did not reply or that we did not survey).

The hourly burden adjustment is reconciled as follows:

4,550	hours currently approved
+ 7,175	hours due to adjustments
11,725	hours requested

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.

OSM does not plan to tabulate, analyze, or publish the results of this information collection. The information collected under 30 CFR part 822 is used solely for internal purposes, including program oversight, consultation with SRAs, and compliance determinations for mining operations located on AVF. No statistical methods or complex analytical techniques are applied to the data.

Information is collected on an as-needed basis during State permitting, monitoring, and oversight activities. Because these activities occur in response to specific mining operations and project timelines, there is no fixed schedule for data collection, analysis, report preparation, or publication.

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.

OSM does not request approval to omit the display of the OMB control number and expiration date for this 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 for this information collection.