

MINUTES OF THE House COMMITTEE ON Energy and Natural ResourcesThe meeting was called to order by Representative David J. Heinemann at
Chairpersonnoon ~~am~~/p.m. on April 6, 1983 in room 519-S of the Capitol.

All members were present except:

Representatives Keith Farrar and Keith Roe (excused)

Committee staff present:

Ramon Powers, Research Department
Theresa Kiernan, Revisor of Statutes' Office
La Nelle Frey, Secretary to the Committee

Conferees appearing before the committee:

Dick Rieke, Regional Office of Surface Mining.
Brian Moline, Kansas Corporation Commission.
Rex Krieg, Kansas Corporation Commission.

Chairman Heinemann distributed to Committee members copies of the following:

- *Director James Harris, Office of Surface Mining, letter to Governor Carlin regarding the Mined Land Conservation and Reclamation Board (see attachment 1);
- *Chairman R.C. Loux, Kansas Corporation Commission, letter to Director James Harris, OSM, regarding the Mined Land Conservation and Reclamation Board (see attachment 2);
- *Chairman Heinemann letter to Representative R.H. Miller, Legislative Post Audit Committee, regarding Mined Land Conservation and Reclamation Board (see attachment 3).

Dick Rieke, head of the Regional Office of Surface Mining (OSM), Kansas City, appeared before the Committee to answer questions and provide followup information on his presentation to the Committee March 31, 1983.

During questioning by Committee members, Mr. Rieke noted that four states had been cited and sent letters by OSM; in addition to Kansas, the states were Arkansas, Oklahoma and Utah. He noted that of the additional three states, only Oklahoma had problems of the magnitude of Kansas'.

Mr. Rieke said that he had met with Kansas Corporation Commission (KCC) staff earlier in the day, and groundwork was in place for solving procedural and philosophical differences OSM and the KCC have regarding the state's Mined Land Conservation and Reclamation Board (MLCRB). He noted that the OSM found problems with the MLCRB office records in that they are not following the state's established procedures. He said the federal inspectors didn't do on-site investigation, but found problems in the recordkeeping.

He again noted that the MLCRB does not have the number of staff members it was proposed to have, or the expertise it proposed to have (state plan said 15 staff/7½ staff currently). In response to a statement regarding how closely the OSM report parallels a post audit report of the MLCRB, Mr. Rieke stated he had not seen the report.

Brian Moline, general counsel for the KCC, appeared before the Committee on behalf of R.C. Loux, chairman of the KCC. He noted that he had only been involved with the MLCRB during the past two weeks, and was relating the Chairman's views regarding the MLCRB. He said that MLCRB staff is an administrative part of the KCC. He noted that policy is set by the MLCRB of which Chairman Loux is chairman by virtue of statute.

Mr. Moline said that the KCC and OSM had procedural and philosophical disagreement. Philosophically, he felt the state was implementing the program as they had interpreted the way the Legislature wanted it to be run. He emphasized that the state showed no laxity in returning land to its original state.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,
room 519-S, Statehouse, at noon a.m./p.m. on April 6, 1983.

He said there had been problems with the low number of staff and concerns regarding training of staff. He noted that out-of-state training and travel cost money, and this issue must be addressed either at the KCC level or legislative level. He said that the documentation could be better, but the philosophical differences were very important and needed to be addressed. He said the Legislature needs to address the problems in a flexible approach to the program. He thought that training and documentation problems could be worked out.

He said there was a policy problem regarding the number of staff. The Legislature would have to review the policy. He reiterated that the MLCRB feels they are following directives as presented by the Legislature for implementing the state's program.

Rex Krieg, KCC staff member, said he thought the term "serious" relative to the MLCRB program problems in Kansas was out-of-line. He noted there were no big environmental impact faults on health or safety.

Mr. Krieg stated that the Kansas program is in good shape in reclamation and there are adequate funds available to reclaim land. It was noted that there are 50,000 to 60,000 acres of mined land in Southeast Kansas. He said that on the day preceding a MLCRB meeting, staff members are taken to each site to inspect the area. He also noted that surety bonds to reclaim land were \$2,000 to \$3,000 maximum per acre. He said the MLCRB implements two separate programs: (1) permanent; and, (2) abandoned mined land.

In response to questions relative to--Does the staff need more expertise?, and What are recommendations for solving procedural and philosophical problems?, KCC staff asked to provide no comment until after a MLCRB meeting which was scheduled for the following day in Topeka.

At the request of Chairman Heinemann, Representatives James Holderman and John Myers attended the Committee meeting. They serve on a Ways and Means Subcommittee studying the MLCRB. Representative Holderman told Committee members that he and Representative Rochelle Chronister planned to make an on-site visit to Southeast Kansas during the legislative recess, and encouraged interested Committee members to accompany them.

There being no further business to come before the Committee, the meeting adjourned at 1:00 p.m.

The next meeting of the Committee will be held at 3:30 p.m. on April 6, 1983.

Rep. David J. Heinemann, Chairman

Date April 6, 1983
12:00 noon

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME

ADDRESS

ORGANIZATION

~~many in attendance
none signed~~

16 in attendance



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

WASHINGTON, D.C. 20240

MAR 11 1983

Honorable John W. Carlin
Governor of Kansas
Topeka, Kansas 66612

Dear Governor Carlin:

I am writing to inform you, pursuant to 30 CFR 733.12(b), that I have reason to believe that serious problems exist which are adversely affecting the effective implementation, administration, maintenance, and enforcement of Kansas' approved permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On January 21, 1981, the Secretary of the Interior conditionally approved the permanent State program submitted by Kansas to assume primary responsibility for surface coal mining and reclamation operations within the State pursuant to SMCRA. Upon this approval, the Office of Surface Mining (OSM) began its monitoring and oversight role mandated by SMCRA.

Since the approval of Kansas' program, and in keeping with its policy of working closely with the State, OSM has had numerous discussions with officials from the Kansas State Corporation Commission (KSCC) and the Mined Land Conservation and Reclamation Board (MLCRB) about the State's performance. Recent discussions and investigations have centered on several inadequacies of the Board's implementation of the approved program in the areas of permitting, inspection and enforcement, and bond release. I have set forth below a summary of the kinds of problems that have been found in each of these areas. Unfortunately, results from these discussions have not been altogether positive and many of these concerns remain unresolved.

Permitting: OSM has conducted a review of five MLCRB approved permanent program permits. Although the State was able to process and approve 28 of the 30 permit applications received within eight months following primacy, OSM's review of five of the permits issued disclose major deficiencies. For example:

1. The Board is not conducting completeness reviews of permit applications prior to issuance. As a result, certain required categories of information have been omitted.

attachment 1
4-6-83

2. Technical review of permit applications appears to be inadequate. OSM has found what appear to be major technical deficiencies in every application that OSM reviewed. Inadequate analyses of the hydrologic balance associated with proposed mines, handling of prime farmland, and revegetation success are leading problems.
3. The MLCRB has not been making written findings on the critical categories of information required in the permit application. Therefore, the Board will not have the necessary documentation to support its decisions.
4. OSM is concerned that the MLCRB's approved program staffing plan is not being met and that this may be a contributing factor to the problems associated with permit review. The Secretary approved a proposed staffing level of 15 full-time staff for the MLCRB. At present, only one-half of this capability - the equivalent of 7.5 staff years - is on board. Of the five positions authorized for permitting, four are vacant and the remaining position is staffed only part-time. The lack of technical expertise is particularly noteworthy in the areas of geology, engineering and agronomy. Currently, the only technically trained person is a biologist serving part-time as a hydrologist and part-time as an inspector.

Inspection and Enforcement: I have reason to believe problems exist in the MLCRB's inspection and enforcement actions. For example:

1. OSM oversight inspections have resulted in the discovery of an inordinate number of serious violations which should have been cited previously by MLCRB inspectors.
2. MLCRB inspection records indicate that State inspections are not adequately documented, evidence is not gathered, and the inspections rarely include a complete review of all applicable performance standards.
3. While the State appears to be meeting or even exceeding the required frequency standards for complete and partial inspections, these numbers are misleading. OSM's review of State records shows that as many as six "complete" inspections were conducted by a single inspector in a single day. OSM questions that this frequency is possible while still observing and documenting all applicable performance standards.
4. The MLCRB staff has generally failed to take enforcement action when violations are observed, as required by Kansas regulation K.A.R. 47-15-1. The staff has responded promptly to ten-day notices issued by OSM, but is generally not responsive to the problems and issues raised in the ten-day notice.

5. The civil penalty assessment procedures required in the approved State program at K.A.R. 47-5-5 are not being followed. Preliminary analysis indicates that the Board consistently fails to properly consider assessment criteria (the operator's previous history of violations, seriousness, negligence, and good faith compliance), generally waives the penalty points, and assesses no penalty.
6. OSM believes that the Board's inspection staff is not receiving adequate guidance and training. Specific areas of concern include lack of training for blasting, seismograph operation, penalty assessment procedures, hydrology, report writing and evidence gathering.
7. The Board's staff is deficient in its handling of citizen complaints. While it generally responds to a complaint by making an inspection, the MLCRB rarely provides to the citizen the written response detailing the disposition of the complaint required by K.A.R. 47-15-1, nor does it take appropriate enforcement action. OSM has received numerous complaints from citizens concerning the Board's attitude and responsiveness toward them.

Bond Release: The State is releasing performance bonds for operations that do not meet the required performance standards. This is done even after being advised of these deficiencies by OSM. For example, in an OSM inspection of one site prior to bond release, the OSM inspector found that one sediment pond contained acidic water exceeding acceptable standards, some slopes were eroded and needed regrading and revegetating, and substandard vegetation existed on other slopes. This information was documented and presented to the MLCRB, yet the Board voted to release the remaining portion of the bond.

General MLCRB Procedures and Administrative Record Maintenance: A general area of concern is the apparent failure of the Board to create or maintain administrative record procedures or tracking systems for such matters as permit application reviews, citizen complaints, ten-day notices from OSM, enforcement actions and civil penalty assessments and bonding. OSM personnel conducting the oversight evaluation were not allowed to inspect the filing systems or speak to any of the staff other than the Executive Director.

Recommended Actions

Pursuant to 30 CFR 733.12(b)(3), I am required to specify time periods for the MLCRB to correct the deficiencies in its program. Therefore, I am requesting that the following actions be taken by April 15, 1983:

General: It appears that most of the problems with the Kansas program stem from a lack of commitment by the MLCRB to enforce Kansas' statutes and regulations and the failure to develop and implement effective procedures and practices to accomplish this task. I request your assurance to OSM that immediate action will be initiated to assure the MLCRB's compliance with and enforcement of Kansas' rules and regulations.

Permitting: OSM requests MLCRB to provide: (a) a copy of its detailed procedures to be implemented for the technical review of permit applications; (b) a summary showing the status of permit approval actions that have transpired since January 21, 1981, including revisions to those permits and a schedule for a technical review of those permits, including revisions necessary to bring the permits into compliance with Kansas regulations; and (c) its plans to fill vacant technical positions needed to ensure adequate permit review.

Inspection and Enforcement: OSM requests MLCRB to provide a plan to ensure that complete inspections are conducted and properly documented, that violations will be cited, and that all ten-day notices forwarded by OSM will be properly resolved and that civil penalty procedures will be followed.

Bond Release: OSM requests that the MLCRB provide procedures for releasing performance bonds that include documentation that all performance standards have been met. Assurances are needed that performance bonds will not be released before applicable performance standards are met.

General Procedures and Administrative Record Maintenance: OSM requests that the MLCRB develop and maintain tracking systems for the following areas: permit review and issuance, inspections, ten-day notices, enforcement actions, civil penalty assessments, assessment conferences, penalty collection, citizen complaints, bonds, violation abatement, and determining patterns of violations.

You may request an informal conference, as provided under 30 CFR 723.12(c) at anytime between your receipt of this letter and May 2, 1983, which is within 15 days from the April 15 deadline for the MLCRB to respond to the above recommended actions. Since we expect to have completed our annual evaluation of the Kansas program by that time, OSM may have additional information or issues that could also be discussed at an informal conference. If an informal conference is not held, or if following such a conference I still have reason to believe that the State is failing to adequately implement, administer, maintain or enforce a part or all of its program, I will give notice to you and the public and hold a public hearing.


Honorable John W. Carlin

5

I trust that with our mutual cooperation, Kansas' present difficulties in implementing its permanent surface mining program can be resolved in a manner that satisfies the intention of Congress, OSM and the State.

Please let me know if I may be of any assistance.

Sincerely,



Director



JOHN CARLIN
RICHARD C. (PETE) LOUX
JANE T. ROY
PHILLIP R. DICK
JUDITH A. MCCONNELL
BRIAN J. MOLINE

Governor
Chairman
Commissioner
Executive Secretary
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.

Ph 913 236-3355

TOPEKA, KANSAS 66612-1571

MARCH 25, 1983

J. R. HARRIS, DIRECTOR
U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
WASHINGTON, D.C. 20240

DEAR MR. HARRIS:

THIS OFFICE HAS BEEN PROVIDED WITH A COPY OF YOUR LETTER OF MARCH 11, 1983, WHICH WAS ADDRESSED TO GOVERNOR CARLIN. QUITE FRANKLY, YOUR ACTIONS APPEAR UNTIMELY AND INCONSISTENT WITH REPRESENTATIONS MADE BY YOUR REGIONAL OFFICE IN KANSAS CITY.

CHAIRMAN LOUX AND OTHER STAFF MET ON FEBRUARY 18, 1983, WITH RICHARD RIEKE, FIELD DIRECTOR OF YOUR KANSAS CITY REGIONAL OFFICE, TO DISCUSS THE PROBLEMS AND DIFFERENCES OF OSM AND MLCRB. MR. RIEKE BASICALLY SET FORTH THE SAME BROAD PROBLEM AREAS AS CONTAINED IN YOUR LETTER OF MARCH 11, 1983. HE REQUESTED THE CHAIRMAN'S ASSISTANCE IN RESOLVING THESE PROBLEMS. MR. RIEKE AGREED TO FORWARD DOCUMENTATION FROM OSM'S FILE AND RECORDS OF SPECIFIC PROBLEMS AND THE PARTICIPANTS AGREED TO AGAIN MEET ON APRIL 14TH, AFTER THE NEXT SCHEDULED MLCR BOARD MEETING ON APRIL 11TH TO EVALUATE THE SITUATION AND RECEIVE MLCRB RESPONSE. WE WERE, THEREFORE, UNDER THE CLEAR IMPRESSION THAT A MUTUALLY ACCEPTABLE PROCEDURE FOR ADDRESSING THESE PROBLEMS HAD BEEN AGREED UPON AND THAT OSM INTENDED TO PURSUE INFORMAL RESOLUTION OF THESE DIFFERENCES. HOWEVER, IT IS PAINFULLY APPARENT FROM YOUR LETTER OF MARCH 11, 1983, THAT OSM'S PRIMARY CONCERN IS TO AVOID ITS RESPONSIBILITIES FOR JOINT IMPLEMENTATION OF THE PROGRAM.

OSM ALLEGES THE BOARD'S IMPLEMENTATION OF THE STATE PROGRAM HAS BEEN INADEQUATE AND CITES BROAD PROBLEM AREAS. FROM THE BOARD'S PERSPECTIVE THE PROBLEMS ARE THE PRODUCT OF FUNDAMENTAL PHILOSOPHICAL DIFFERENCES BETWEEN OSM AND THE STATE OF KANSAS REGARDING THE BASIC ADMINISTRATION OF THE PROGRAM. THE MLCR BOARD HAS PRIMARY AUTHORITY AND RESPONSIBILITY TO SET POLICY FOR THE ADMINISTRATION OF THE STATE PROGRAM. WE UNDERSTAND CONGRESSIONAL INTENT TO LIMIT OSM TO SOLELY A MONITORING AND OVERSIGHT ROLL. IN THE EXERCISE OF ITS AUTHORITY, THE MLCR BOARD HAS TAKEN A REALISTIC AND COMMON SENSE APPROACH TO ENFORCEMENT OF THE STATUTES AND

attachment 2
4-6-83

J. R. HARRIS
MARCH 25, 1983
PAGE 2

REGULATIONS. CONVERSELY, OSM HAS TAKEN AN INFLEXIBLE AND STRINGENT STANCE WHICH FREQUENTLY CONFLICTS WITH THE BOARD'S DIRECTION AND GOALS.

WITHOUT QUESTION, THERE IS A SERIOUS ESTRANGEMENT BETWEEN KANSAS POLICY AND THAT OF OSM AND THE SITUATION HAS BEEN EXACERBATED BY AN OVERALL LACK OF COMMUNICATION AND COOPERATION OPERATION.

NONETHELESS, THE BOARD WANTS IT CLEARLY UNDERSTOOD IT IS THE EXPRESSED POLICY OF THE BOARD TO CARRY OUT THE STATUTES AND REGULATIONS OF THE STATE OF KANSAS AS THEY PERTAIN TO SURFACE MINING OF COAL.

TO THE BOARD'S KNOWLEDGE, ALL REVIEWS OF PERMITS ARE DONE IN ACCORDANCE WITH THE STATUTE AND REGULATIONS OF KANSAS. STAFF BOARD MEMBERS AND APPROPRIATE STATE AGENCIES REVIEW APPLICATIONS TO CHECK THE COMPLETENESS AND THE TECHNICAL DATA SUPPLIED.

ON THE ISSUE OF THE BOARD STAFF, THE BOARD IS IN FULL COMPLIANCE WITH THE REQUIREMENTS OF OSM. IF YOU WILL CHECK, YOUR RECORDS SHOULD REVEAL OSM AGREED TO INITIALLY EXEMPT KANSAS FROM THE REQUIREMENT OF A FULL 15 MEMBER STAFF UNTIL SUCH TIME AS ADEQUATE FUNDING COULD BE OBTAINED. THE STATE LEGISLATURE HAS NOT SEEN FIT TO INCREASE STAFFING TO DATE.

FURTHERMORE, IT WAS AGREED THE BOARD WAS NOT REQUIRED TO HAVE A 15 MEMBER STAFF BECAUSE THE MEMBERS OF THE BOARD SUPPLIED THE EXPERTISE FOR AREAS NOT PRESENTLY STAFFED. THE BOARD HAS REPRESENTATIVES FROM THE KANSAS GEOLOGICAL SURVEY, DEPARTMENT OF AGRICULTURE, KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, SOIL CONSERVATION, FISH AND GAME, AND FARMERS FROM THE MINING AREAS WHO HAVE PERSONAL KNOWLEDGE AND EXPERIENCE IN RECLAIMING MINED LANDS; ALL OF WHOM TAKE ACTIVE ROLES IN THE OPERATIONS OF THE BOARD.

COMBINING OUR STAFF (TWO INSPECTORS AND A HYDROLOGIST) WITH THE EXPERTISE OF THE BOARD MEMBERS GIVES KANSAS THE OPPORTUNITY TO HAVE AN EFFECTIVE PROGRAM AT A REASONABLE EXPENSE TO THE PUBLIC.

THE BOARD BITTERLY DISAGREES WITH THE ALLEGATION THAT THE BOARD LACKS COMMITMENT TO ENFORCE KANSAS STATUTES AND REGULATIONS CONTROLLING THE SURFACE MINING OF COAL.

THE BOARD MEMBERS AND STAFF ARE BY IN LARGE LIFE LONG RESIDENTS OF SOUTHEAST KANSAS WHO HAVE A REAL AFFECTION FOR THIS LAND AND A VESTED INTEREST IN ITS RECLAMATION AND CONSERVATION.

J. R. HARRIS
MARCH 25, 1983
PAGE 3

THEY HAVE EXPERIENCED FIRST-HAND THE DESTRUCTION AND RUINOUS RESULTS OF IMPROPER AND UNCONTROLLED STRIP MINING AND HAVE AN EMOTIONAL AND DEEP COMMITMENT TO PROTECT AND RESTORE THEIR ENVIRONMENT.

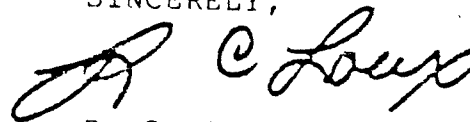
THE BOARD DISAGREES THAT THEY ARE NOT ADEQUATELY DEALING WITH CIVIL PENALTY ASSESSMENTS, CITIZEN COMPLAINTS, ENFORCEMENT ACTIONS, BOND RELEASE, AND TEN-DAY NOTICE ISSUED BY OSM. STAFF INVESTIGATES SUCH MATTERS AND PROMPTLY PRESENTS THEM TO THE BOARD FOR DISPOSITION. THE BASIC PROBLEM IS THE PHILOSOPHICAL DIFFERENCES OF OSM AND THE BOARD IN INTERPRETATING AND APPLYING THE STATUTES AND REGULATIONS. THE BOTTOM LINE IS OSM SIMPLY DOES NOT AGREE WITH BOARD POLICY AND THEIR DECISIONS.

THE BOARD IS THE POLICY MAKER IN KANSAS ON SURFACE MINING OF COAL AND THEIR DECISIONS ARE JUDGMENTS BASED ON THE EVIDENCE PRESENTED ON EACH MATTER. WHILE IT IS POSSIBLE THAT OTHER JUDGMENTS MIGHT HAVE BEEN MADE ON THE SAME EVIDENCE PRESENTED, A BOARD DECISION IS FINAL UNLESS OR UNTIL SHOWN NOT TO BE BASED AND SUPPORTED BY THE EVIDENCE IN THE RECORD.

THE KANSAS PROGRAM IS RELATIVELY NEW AND UNDOUBTEDLY IMPLEMENTATION IS STILL IN THE PROCESS OF BEING PERFECTED. MOST OF THE BROAD CRITICISM LEVIED BY OSM INVOLVE BUREAUCRATIC DETAIL CONCERNING FORM AND PROCEDURE RATHER THAN END RESULT, WHICH SHOULD BE THE ULTIMATE CONSIDERATION. THE MINED AREAS WHICH HAVE BEEN RECLAIMED UNDER THE PROGRAM ARE REAL AND TANGIBLE EVIDENCE OF THE BOARD'S EFFECTIVENESS AND I CAN SAY WITHOUT HESITATION THE BOARD IS PROUD OF ITS PERFORMANCE.

PLEASE BE ASSURED, THE BOARD AND ITS STAFF STAND READY TO COOPERATE WITH OSM IN THE IMPLEMENTATION OF THE SURFACE MINING PROGRAM. ANY TECHNICAL IRREGULARITIES WILL OF COURSE, BE CORRECTED. HOWEVER, WE BELIEVE THE CLEAR CONGRESSIONAL INTENT TO BE THAT KANSAS HAS THE RIGHT TO SET THE FISCAL LIMITS AND PHILOSOPHICAL TONE OF ITS MINED LAND PROGRAM.

SINCERELY,



R. C. (PETE) LOUX,
CHAIRMAN

RCL:HB/PS



TOPEKA

HOUSE OF
REPRESENTATIVES

March 28, 1983

DAVID J. HEINEMANN
REPRESENTATIVE, 123RD DISTRICT
FINNEY COUNTY
2606 CARRIAGE LANE
P. O. BOX 1346
GARDEN CITY, KANSAS 67846

COMMITTEE ASSIGNMENTS
CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: WAYS AND MEANS
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE
RULES AND JOURNAL
NATIONAL CONFERENCE OF STATE
LEGISLATURES' ENERGY COMMITTEE
ADVISORY BOARD ON LOW LEVEL
RADIOACTIVE WASTE

Representative R. H. Miller
Chairman
Legislative Post Audit Committee
State Capitol
Topeka, KS 66612

Dear Chairman Miller:

As you are aware, the Mined Land Conservation and Reclamation Board underwent a Post-Audit Review in 1982. Many of those concerns addressed in that post-audit were recently addressed in a letter to Governor Carlin from the Office of Surface Mining (OSM). The effective enforcement and implementation of a Kansas program related to mined land is of paramount importance from both an environmental and fiscal aspect. As such, I would like to request this date a post-audit review of the Mined Land Conservation and Reclamation Board (MLCRB). In specific, areas I would like for the Post Audit Committee to address are as follows:

1. How thorough is the Board reviewing applications prior to issuance of permits?
2. Is the MLCRB making written findings on the critical categories of information required in the permit application?
3. Why are only half of the positions filled and is the training of that staff technically adequate to insure a comprehensive review and inspection program?
4. In the areas of inspection enforcement are the MLCRB inspectors missing serious violations which the OSM inspectors have discovered?
5. Why are the MLCRB inspections not adequately documented?
6. Why is the MLCRB staff failing to enforce actions when violations are observed as required by law?
7. Why are civil penalty assessment procedures not followed?

attachment 3
4-6-83

Rep. R. H. Miller

March 28, 1983

Page 2

8. Is the Board properly handling citizens' complaints?
9. In the area of bond release, why is the Board releasing performance bonds before required performance standards are achieved?
10. In the general area of procedures and administrative records, are those procedures and records sufficient to allow proper tracking of permits, citizens' complaints, enforcement actions and civil penalty assessments and bonding?

Thank you. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

DAVID J. HEINEMANN
Representative

DJH:lf

cc: Speaker Mike Hayden
Chairman Bill Buntin, House Ways and Means
John Carlin, Governor, State of Kansas