



**United States Department of the Interior
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Three Parkway Center
Pittsburgh, Pennsylvania 15220**



January 29, 2021

Mr. Harold Ward
Secretary, WV Department of Environmental Protection
601 57th Street
Charleston, WV 25304
Harold.d.ward@wv.gov

Dear Secretary Ward:

The Office of Surface Mining Reclamation and Enforcement (OSM) is in receipt of your letter dated December 30, 2020, notifying us of the possibility that a significant event, as described under 30 CFR 732.17(b), could have taken place with respect to the West Virginia approved State program. Based on your letter, we understand that this could affect the implementation, administration or enforcement of your approved State program. We recognize the complexity of the circumstances surrounding the solvency of the West Virginia Department of Environmental Protection's (WVDEP) financial assurance programs that ensure funds are available to carry out reclamation responsibilities if a permittee is no longer able to do so.

Additional analysis and evaluation are needed to fully understand the status of the State's financial assurance programs and current and future reclamation liabilities. Once this effort is complete, the OSM Director will, based on 30 CFR 732.17(c), determine if a State Program Amendment is necessary. We believe this effort can best be accomplished by a cooperative effort between OSM and WVDEP. We look forward to working closely with you toward that end. Our initial effort will be to develop a detailed joint plan, outlining goals and objectives along with a timeline. The Acting Field Office Director, Ben Owens, will be reaching out to you soon to schedule the initial call.

Sincerely,

Thomas D. Shope
Regional Director