

June 5, 2020

Mr. Casey Hammond
Principal Deputy Assistant Secretary for Land and Minerals Management
U.S. Department of the Interior
1951 Constitution Avenue, NW
Washington D.C. 20240

Re: Request for Public Hearings and 120-day Extension on Clarification of Provisions Related to the Issuance of Ten-Day Notices to State Regulatory Authorities and Enhancement of Corrective Action for State Regulatory Program Issues [Docket No. OSM-2019-0010]

Dear Mr. Hammond:

The 21 undersigned public interest organizations hereby request public hearings and a 120-day extension of the public comment period for the recently published Notice of Proposed Rulemaking that would significantly undermine the ability of citizens to report environmental violations by coal-mining companies, and harm communities throughout Appalachia and other coal-mining regions of the country.

Over the last several months the coronavirus disease 2019 (COVID-19) has dramatically impacted the United States. Given the challenges resulting from COVID-19 and that the Office of Surface Mining Reclamation and Enforcement's (OSMRE) proposal would fundamentally change the citizen reporting process of violations, we believe that a minimum of 150-day comment period is necessary to provide all stakeholders the time to properly understand and meaningfully respond to the proposed changes. Granting this extension request would be in line with numerous other federal agencies that have recently extended the comment period because of COVID-19.¹

In addition, we note that OSMRE's use of the word "clarification" in the proposed rule is misleading, at best, or untruthful, at worst, as the proposed rule is in fact a major change to the citizen reporting process, which proposes to eliminate the ability of people to report violations to the federal agency and instead would require that the public report violations to the state. The proposed rule also changes the process citizens would use to report problems to make it prohibitively difficult, changes the amount of time a state has to respond from ten days to *unlimited*, and makes the response discretionary instead of mandatory.

Accordingly, we request that the public comment period be extended to a minimum of 150 days.

¹ Corporate Credit Unions, NCUA_FRDOC_0001 (extending a 60-day comment period by an additional 60-days); Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Federal CCR Permit Program; Extension of Comment Period, EPA-HQ-OLEM-2019-0361, FRL-10007-70-OLEM (extending a 60-day comment period by an additional 30-days); Community Reinvestment Act Regulations; Extension of Comment Period, OCC-2018-0008 (extending a 60-day comment period by an additional 30-days); Laboratory Accreditation for Analyses of Foods; Extension of Comment Period, FDA-2019-N-3325 (extending its already extended comment period by an additional 129 days).

Respectfully submitted,

Center for Biological Diversity
Conservation Council for Hawaii
Earthworks
Endangered Habitats League
Friends of the Earth
Gila Resources Information Project
Great Old Broads for Wilderness
Heartwood
Native Plant Conservation Campaign
NH Audubon
NY4WHALES
Oil Change International
Save Our Sky Blue Waters
Save the Scenic Santa Ritas
The Lands Council
Turtle Island Restoration Network
West Virginia Rivers Coalition
Western Nebraska Resources Council
Western Watersheds Project
WildEarth Guardians
Wilderness Workshop