
PERFORMANCE AGREEMENT

Evaluation Year 2002

(October 1, 2001 to September 30, 2002)

Maryland
Department of the Environment



and



The Office of Surface Mining
Reclamation and Enforcement

October 2001

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Oversight Performance Agreement

Purpose:

State Primacy under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides individual States the opportunity to address local conditions and interests in developing State programs. Consequently, State programs differ significantly in both content and in the manner in which they address SMCRA requirements. Evaluation of program effectiveness provides The Office of Surface Mining Reclamation and Enforcement (OSM) the means to assure the individual States are appropriately addressing SMCRA requirements as they develop and administer their laws, regulations and programs. The ongoing oversight\evaluation process provides for timely identification and resolution of issues and helps keep State programs consistent with SMCRA. OSM's State program evaluation process also serves to identify areas where OSM needs to clarify its expectations of how SMCRA is to be implemented by the States.

The purpose of this Oversight Performance Agreement between the Pittsburgh Oversight and Inspection Office (OIO), OSM, and the Maryland Department of the Environment (MDE), is to:

- C Continue our shared commitment to fully implement SMCRA.
- C Identify mutual goals towards continuous program improvement and work in partnership to accomplish those goals.
- C Exercise joint decision-making in oversight topic selection, prioritization and resource utilization.
- C Utilize expertise and resources of both agencies in joint problem-solving to address program improvement.
- C Measure program effectiveness using on-the-ground results as the principal focus.
- C Focus on technical assistance and programmatic review and avoid duplication of existing data collection.

This agreement is to be included in the Evaluation File maintained by the Pittsburgh Oversight and Inspection Office and will be available for public review.

SIGNATURES:

Representing

The Maryland Department of the Environment

and the

Office of Surface Mining Reclamation and Enforcement
Pittsburgh Oversight and Inspection Office

The following parties agree to the purpose, goals and anticipated actions proposed in this Oversight Performance Agreement.

George J. Rieger Date

Manager,
Pittsburgh Oversight and Inspection Office
Office of Surface Mining
Reclamation and Enforcement

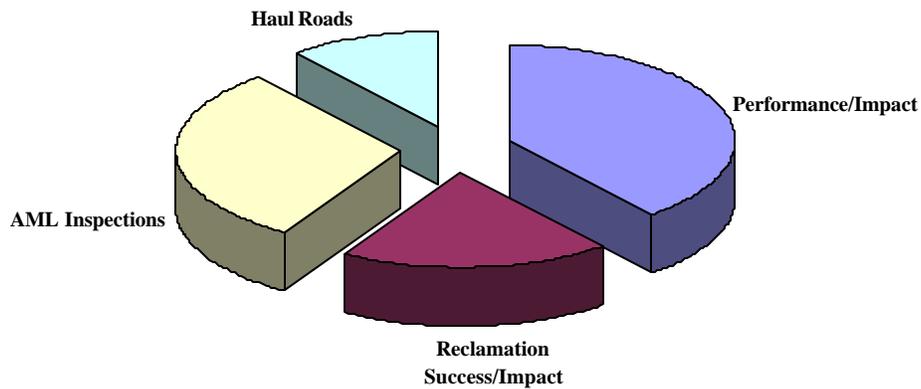
C. Edmon Larrimore Date

Manager, Mining Program
Maryland Department of Environment

Thomas C. Boone Date
Director, Inspection and Compliance Program
Maryland Department of Environment

Maryland Inspections

Proportion of Inspection Types



INSPECTION TYPES	NUMBER of INSPECTIONS
<u>Performance/Off-site impact</u> - Randomly selected active and inactive sites. Focuses on on-the-ground performance, including off-site impact evaluation and general program implementation.	18 inspections
<u>Reclamation Success/Off-site Impacts</u> - Non-randomly selected active and inactive sites. Evaluates the achievement of successful reclamation. Includes off-site impact evaluation.	9 inspections
<u>AML Inspections</u> - conducted to evaluate compliance of AML programmatic goals and requirements including the AML Inventory and AML projects topical studies	~14 inspections
<u>Haul Road Inspections</u> - conducted to evaluate compliance with haul road regulations	~5 inspections
	~46 total inspections

Program Evaluation

NEW AND ANNUAL STUDIES

Performance Monitoring

Goal:

To evaluate all aspects of permitting, mining, and reclamation of surface coal mining and surface effects of underground coal mining under the approved Maryland Program.

Background:

The Pittsburgh Oversight and Inspection Office has historically conducted a complete inspection on a certain number of sites randomly chosen throughout the evaluation year to assess the effectiveness of MDE's approved program in meeting the goals of SMCRA. The sites are chosen without regard to site status, type of facility, size of the permit, or any other parameters. The inspections are conducted throughout the evaluation year to evaluate the program without regard to seasonal variations.

Scope:

During the current evaluation year the Pittsburgh Oversight and Inspection Office will conduct 18 inspections on randomly selected permits to facilitate performance monitoring. The inspections will be complete inspections in the company of the State mine inspector when possible.

Methodology:

For each inspection a Mine Site Evaluation Report Form (MER) (Appendix) will be completed. The MER form contains administrative information about the mine operator and the site. It also contains information about violations cited and un-cited, and a narrative describing the site activities and observations of the inspector.

In addition to the MER, the inspector will complete a data collection form titled **Performance Tracking Evaluation Form** (PTE). This form requires specific answers on a diverse range of information from land uses and impacts of mining to water resources, reclamation information and site evaluation data. The PTE form can also be found in the Appendix.

Report:

The information from the MER and PTE forms will be used to evaluate reclamation success and on-the-ground results. The data on the form will be compiled into a database management program. The results will be analyzed for trends defining the way industry plans, mines and reclaims land, and Maryland's response to any adverse impacts resulting from the mining. A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comment prior to finalization. Findings and recommendations in the final report will be incorporated into the 2002 evaluation report for Maryland.

Schedule:

The final report will be completed by September 30, 2002.

Reclamation Success

Goal:

To evaluate the effectiveness of the Maryland Program in ensuring successful reclamation on lands affected by surface coal mining operations.

Background:

The Pittsburgh Oversight and Inspection Office has historically examined mine sites in various stages of bond release to evaluate Maryland's program with regard to release procedures and on-the-ground results.

In past evaluation years, MDE has notified our office of impending release inspections and conducted the inspection jointly with OSM.

Scope:

The Pittsburgh Oversight and Inspection Office will continue the bond release study in evaluation year 2002. As in past evaluation years, the sites to be inspected will be selected from sites with impending release inspections scheduled by MDE. A joint inspection of the site will then be conducted with the inspector. Nine inspections will be conducted of stage three release sites. If nine phase III release sites are not available, OSM will look at stage II release sites. In addition, the history of all three stages of release will be reviewed for these sites to generate data required under OSM Directive REG-8.

Methodology:

For each inspection a Mine Site Evaluation Report Form (MER) will be completed. This form will contain information gathered during the permit review and observed during the inspection. A narrative will contain the bulk of comments concerning the inspection and the permit review. The narrative will focus on whether site conditions warrant the release; if offsite impacts are a result of mining activities; performance standards are in violation and possible corrective actions; and comments on the overall reclamation of the site, including the probability of achieving the approved post-mining land use.

The field investigations will supplement collection of data measurements required by REG-8 in the following areas: 1) Land form/approximate original contour 2) Land capability 3) Hydrologic reclamation 4) Contemporaneous reclamation.

Area 1, approximate original contour achievement, will be measured by the acres of highwalls and spoil piles which have been eliminated and the land that has been contoured to closely resemble the general surface configurations and blending with the surrounding area and drainage pattern. The acres approved in the Backfilling and Planting Report will be used to document this measurement.

Area 2, land capability, will be measured by the proper replacement of soil resources, achievement of vegetative success and stability, and post-mining land use. The acres approved in the Backfilling and Planting Report and phase III release will be used to document these measurements.

Area 3, Hydrologic Reclamation, will be measured by achievement of groundwater recharge capacity and

surface and ground water quantity and quality restoration. The acres approved in the phase III release will be used to document this measurement.

Area 4, Contemporaneous reclamation, will be measured by comparing the year in which an acre was disturbed to the year it received Backfilling and Planting Report approval, phase II and phase III bond release.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 2002 evaluation report for Maryland.

Schedule:

The final report will be completed by September 15, 2002.

Offsite Impacts

Goal:

The purpose of this study is to identify the frequency of occurrence and severity of offsite impacts and to review Maryland's response to address and mitigate adverse effects of offsite impacts at the time of observation.

Background:

OSM's directive governing the oversight of approved State programs, REG-8, lists several objectives for evaluating the success of States in implementing their approved programs to meet the performance standards of SMCRA. One of these objectives is to measure and report on the effectiveness of a State's implementation of the environmental performance standards of SMCRA, both during and after mining and reclamation. The strategy for achieving this objective includes reporting the number and extent of observed and unresolved instances of offsite impacts. Beginning in evaluation year 1998 States were encouraged to record information on offsite impacts resulting from State-only inspections. MDE agreed to begin collecting data for evaluation year 1999 through their civil penalty process using table 4 of Directive REG-8, Offsite Impacts, included in the appendix. Presently, these State-only inspections include off-site impact information only for those inspections that resulted in a violation.

Scope:

The Pittsburgh Oversight and Inspection Office will jointly inspect 27 mine sites for on-the-ground impacts associated with mining. Eighteen of the mine sites will be randomly selected sites. An additional nine selected sites (reclamation success) will also be inspected for off-site impacts. State-only inspections for the review period will also be included in the database.

Methodology:

For joint MDE/OSM inspections, information concerning the inspection will be recorded on the standard Mine Site Evaluation Report (MER) form. The first and second page of the MER will contain information concerning the site status and the status of any performance standards in violation. The form titled "Offsite impacts" will be completed for each inspection conducted. This form, found in the Appendix, will contain information on: the type of impact, the number of incidences, the degree of impact (minimal, moderate, major), a determination if the impact was mitigated, and the actions taken by MDE to cite the incident and contain damage. The impacts will be limited to those observed in the field during the oversight inspection or those based on inspection reports or technical investigations when the impacts identified in those documents are still occurring. Information from the MER will be compiled into Table 4 of the annual report, delineating the resources affected by the impact, the degree of impact, whether the impact was repairable, and whether the impact was mitigated. The data collection sheets will be used to define the scope of violations with offsite impacts and MDE's response to assure the impacts are properly addressed and contained.

For State-only inspections, MDE will compile offsite impact information contained in their civil penalty assessment system. This information will be transmitted to OSM following the end of the evaluation year via the Offsite Impacts form (REG-8 table 4). OSM will also work with MDE to explore ways to

capture offsite impact information from all State-only inspections rather than just those resulting in violations.

Data from the portion of the study examining Maryland's response to offsite impacts will be used to examine the timeliness of the response, whether any enforcement actions issued followed approved program guidelines, the timeliness for mitigation of the impact, and the resources impacted.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 2002 evaluation report for Maryland.

Schedule:

The final report will be completed by August 30, 2002.

Customer Service

Applicant Violator System Determinations

Goal:

To evaluate Maryland's customer service in making Applicant Violator System (AVS) determinations.

Background:

OSM directive REG-8 stipulates that OSM conduct a yearly oversight evaluation of an area of the State program that involves customer service. This study will deal with MDE's timeliness, accuracy, completeness and appropriateness of State action in making AVS determinations.

Scope:

A review of MDE's applicable laws, regulations and procedures affecting AVS will be conducted. Specific requirements contained in the Annotated Code of Maryland 15-504 and 505, Code of Maryland Regulations (COMAR) 26.20.04.10 to .13, 26.20.05.01, .04, and .05, and parallels under the Surface Mining Control and Reclamation Act (SMCRA), and associated laws, rules, regulations, and directives will be used for reference. Particular emphasis will be given to directive INE-32 and the associated Memorandum of Understanding.

Methodology:

An interview will be conducted with Bureau of Mines staff responsible for carrying out AVS reviews to determine policies and procedures that are utilized. In addition a review of files of all permits issued or significantly modified during the last three evaluation years will be conducted. The files will be reviewed to document State actions with regard to AVS compliance. Appropriate checklists will be developed to document the review findings.

Report:

A report detailing the findings of the study will be prepared. If necessary, recommendations will be made. The report will be forwarded to MDE for review and comment prior to finalization.

Schedule:

The report will be completed by April 1, 2002.

Acid Mine Drainage (AMD) Inventory

Goal:

To maintain, update, and evaluate Maryland's AMD inventory by adopting and carrying out procedures for:

- (1.) Adding and removing sites
- (2.) Changing status of sites
- (3.) Adding new data
- (4.) Evaluating and tracking bond adjustment amounts

Background:

In evaluation year 1999, the Pittsburgh Oversight and Inspection Office, in coordination with the Maryland Bureau of Mines, conducted an inventory of permit sites in Maryland that were considered potential long-term treatment sites. This definition included sites that have been reclaimed but continue to require treatment as well as active sites that have experienced unanticipated events which generate contaminated mine discharges (CMD). The purpose of the inventory was for estimating treatment costs on sites, which have potential long term treatment needs. These costs will then be used to evaluate bonding to assure adequate funding of treatment. In order to ensure the integrity of the inventory, procedures must be developed to provide guidance on maintaining and updating the inventory.

Scope:

Seven sites were included in the 1999 Maryland Inventory Study. Their current status is:

Bond Forfeitures

1. Interstate Lumber Co., SM-84-335, bond forfeiture
2. Jones Coal Co., SM-86-405, bond forfeiture
3. Kirby Energy, SM-84-373, inactive surface mine

Bond Available (i.e.; active/inactive)

4. Allegheny Mining Corp., SM-84-297, reclaimed surface mine
5. Allegheny Mining Corp., SM-84-277, reclaimed surface mine

Bond Released

6. Mt. Top Mining, DM-84-103, reclaimed deep mine
7. Buffalo Coal Co., SC-83-103, reclaimed tippie

Additional sites that meet the criteria for inclusion (i.e.; reclaimed but continue to require treatment and active sites which have experienced unanticipated events which generate contaminated mine discharges) will be added as dictated by results of inspections conducted during the evaluation year.

Methodology:

The inventory will be maintained by adding and deleting sites from the inventory as necessary, collecting water chemistry samples at periodic intervals, and evaluating and tracking bond adjustments for the sites.

Coordination: Maryland will provide a contact for coordination of joint responsibilities on data collection and procedures for maintenance of the inventory.

Adding/deleting sites: Sites will be added to the inventory based on inspection results that show the site meets the criteria for inclusion. Sites will be deleted when, based on inspections and/or water sampling, the criteria for inclusion is no longer met.

Sample collection: At a minimum two samples per discharge, per year (high flow and low flow conditions) will be collected. This information will be gathered during routine visits or via a special effort, as was the case with the initial inventory. MDE may also require, at its discretion, submission of the data by the permittee with oversight of the results by the MDE/OIO inspections. Water chemistry data and any changes to the status of the site will be collected. Water chemistry may be determined through a grab sample that will be analyzed by a laboratory or can be analyzed in the field. A standardized form will be used to gather the inspection information.

Submission of data and information: Samples should be taken during high base flow (Feb. 15 thru April 15) and low base flow (Sept. 15 thru Nov. 31). However, if it is not possible to take the samples during low and high base flow, then samples may be taken at any time of discharge throughout the year. The results of the samples will be shared between OIO and MDE by July 1 for high base flow and January 1 for low base flow. This is to allow time for all lab tests to be completed and the data to be compiled for submission. The data will be consolidated by OIO in Microsoft Access (mdb) or FoxPro (dbf) format.

Bond Adjustment: The Maryland Alternative Bonding System was approved on May 13, 1998 based on the results of an actuarial study. Page 11 of the actuarial study states,

“...the BOM intends to limit the liability of the ABS by increasing the bond amount to reflect the AMD on any site where unanticipated AMD develops.”

MDE will provide information to OIO on bond amount adjustments for sites included on the inventory that continue to require bond. Included in the information will be a basis for how the adjustment was arrived at. OIO, using agency policy for calculating bond, will determine whether there is any outstanding treatment liability for sites on the inventory, and any shortfall in bond coverage.

Report:

OIO will prepare a report addressing any programmatic and/or implementation deficiencies and make recommendations for correction as necessary.

Schedule:

The report will be completed by March 1, 2002.

HAUL ROADS

Goal:

To review implementation of regulations relating to the design, construction, maintenance, and reclamation of roads used to facilitate surface and deep coal mining operations.

Background:

Maryland revised their regulations under the Code of Maryland Regulations (COMAR) 26.20.01, .02, and .19 on January 26, 2001. The regulations became effective on February 5, 2001. All applications issued after that date are required to comply with the new regulations.

Scope:

A review will be conducted of all permits issued between the February 5, 2001 implementation date of the road regulations and the beginning date of review.

Methodology:

A file review will first occur to determine whether applications include all requirements applicable to roads. This will be followed by an inspection to verify on-site conditions of roads to determine if they are in compliance with program requirements.

Report:

OIO will prepare a report addressing any programmatic and/or implementation deficiencies and make recommendations for correction as necessary. BOM will have the opportunity to comment on the report prior to finalization.

Schedule:

The review will be completed by May 1, 2002.

ALTERNATIVE BONDING SYSTEM (ABS) ANALYSIS

Goal:

To review Maryland's Alternative Bonding System (ABS) to determine whether sufficient bond is available to reclaim existing and anticipated bond forfeitures and catastrophic events.

Background:

This study is a continuation of efforts begun in evaluation year 2001. Preliminary information gathered during that period indicated that Maryland is carrying a net negative balance of funds in the combined flat rate and bond pool systems for three forfeiture permits.

Scope:

Additional information will be gathered in evaluation year 2002 to provide updates to existing data and analyze trends in bond pool solvency. Data on current forfeitures, anticipated forfeitures, reclamation cost estimates, bond fund balances, and reclamation unit costs will be gathered.

Methodology:

Data will be obtained from existing systems utilized by Maryland. Data will be analyzed for trends in forfeitures, costs, and fund balances. Conclusions will be drawn regarding the present solvency of the bonding system as well as anticipated future solvency.

Report:

OIO will prepare a report addressing any programmatic and/or implementation deficiencies and make recommendations for correction as necessary. BOM will have the opportunity to comment on the report prior to finalization.

Schedule:

The report will be completed by February 1, 2002.

PAST STUDIES - RESOLUTION OF OUTSTANDING ISSUES

Goal:

It is the mutual goal of OIO and BOM to resolve identified issues expeditiously and efficiently and in a manner that complements and improves program operations. All required recommendations will either be resolved or an implementation plan developed to insure prompt resolution.

Background:

Beginning in evaluation year 1998, OIO began tracking resolution of issues identified in annual oversight studies. These issues are divided into those for which State action is *recommended*, and those for which State action is *required*. *Recommended* actions are those for which there is no conflict with program requirements but are suggested ways to improve the program. *Required* actions are those for which there is an apparent conflict with the approved program.

Scope:

All issues identified during oversight reviews and topical studies are added to the **UNRESOLVED STUDY ISSUES** tracking table (see appendix).

Methodology:

The **UNRESOLVED STUDY ISSUES** is maintained by OIO. Resolution of outstanding issues is ongoing and, at a minimum, outstanding issues are discussed during quarterly meetings. All issues are tracked to a mutually acceptable resolution.

Report/Schedule:

The **UNRESOLVED STUDY ISSUES** table is updated and distributed to OIO and BOM quarterly.

Administrative Evaluation

Audits

Goal:

Performance of all required audits and implementation of appropriate recommendations.

Scope:

Review of all A-128 or other audit reports issued during the evaluation year will occur whenever audit findings, as presented by an external auditor, relative to Maryland's accounting, internal controls and management systems affect OSM grants.

Methodology:

If findings are evidenced by a written audit report, the review/resolution will follow established ARCC audit procedures. Interaction with Maryland will occur continuously throughout the process in order to develop agreed-upon action, with final resolution as the primary objective. OIO will document agreement to the resolution and conduct reviews for three quarters after resolution to ensure that changes/improvements have become institutionalized.

Report:

An audit resolution report will be prepared documenting resolution of any findings included in the audit report.

Schedule:

Audit resolution report will be prepared within 120 days of release by the Office of Inspector General. A determination letter summarizing any required resolution action will be prepared and sent to MDE for signature.

Draw down Analysis

Goals:

To assure that drawdowns and disbursements related to the OSM grants are occurring in accordance with Department of Treasury, Grants Management Common Rule, and Federal Assistance Manual (FAM) Chapter 5-55.

Background:

The Department of the Treasury requires that periodically the Federal program agency shall review each recipient's use of funds. The purpose of the review is to determine:

- (a) the difference, if any, between the total amount of funds drawn and the total disbursements related to the Federal program;
- (b) that cash is being withdrawn only in accordance with program disbursement needs; and
- (c) the available balance for a grant.

Scope:

The timing, magnitude and complexity of these reviews will be determined by the ARCC Grants Specialist and FO Program Staff annually. All drawdowns for OSM grants within a fiscal year will be included in the population from which samples will be taken. The sample size may vary depending on the level of the review.

Methodology:

Procedures for reviews are outlined in the FAM Chapter 5-55-50.

Report:

A report will be prepared in accordance with FAM Chapter 5-55, which will determine:

- (a) the difference, if any, between the total amount of funds drawn and the total disbursements related to the Federal program;
- (b) that cash is being withdrawn only in accordance with program disbursement needs; and
- (c) The available balance for a grant.

Schedule:

The review will begin October 1, 2001 and be completed September 30, 2002.

Assistance

Clean Streams Initiative

Goal:

To work with agencies of the State of Maryland, and federal and local governing bodies along with industry and citizens groups in implementing the objectives of the Clean Streams Initiative (CSI) Program in Maryland and cleaning streams impacted by acid mine drainage in Maryland.

Background:

Conceived in 1995, the CSI was formed to unite State, local and Federal government agencies and the Congress with citizens, universities, the coal industry, corporations, and the environmental community to clean up streams polluted by acid mine drainage.

Scope:

Continue to assist in promoting the CSI program in Maryland through the formation of Watershed groups with the encouragement of private citizens, political leaders, private groups and organizations.

Expand the AML Title IV program by supplementing minimum program State funds with CSI funds.

Work toward making the CSI program in Maryland a strong, viable supplement to the approved program.

Work with all groups in an innovative and mutually beneficial manner to carry out CSI-funded projects.

Methodology:

Outreach -

Participate with State, industry, and private citizens on the Maryland Acid Mine Drainage (AMD) Advisory Committee through attendance at meetings, reviewing initiatives and providing input on CSI and the AML program in general.

Meet with the public and the industry in concert with the State regarding the CSI program. Coordinate outreach efforts by management through arranging meetings and forums dealing with CSI and the Abandoned Mine Lands (AML) program.

Work closely with school students and teachers in increasing awareness of the CSI program.

Ongoing Activities -

Continue to work with the Mill Run Watershed Association, the Georges Creek Watershed Association and other interested parties to obtain CSI funding for several AMD projects under the OSM watershed cooperative program.

Routinely communicate with CSI representatives in Maryland on all OSM/CSI activities.

Assist Maryland in submission of new CSI projects and coordinate title IV funding requests for CSI projects.

Continue attending and participating with the State, industry and the public on the AMD advisory team.

Continue to work with Maryland on AMD remediation projects.

Work with Maryland and other State, Federal, and private partners to pursue the formation of additional watershed associations and groups.

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Remining

Goal:

To work with MDE in encouraging remining of eligible lands in Maryland.

Background:

A significant portion of permits in Maryland either include or are adjacent to previously mined areas. Maryland has adopted incentives to encourage remining in Maryland to achieve reclamation of previously mined areas without impacting the Abandoned Mine Lands funding sources. These incentives include modifications to effluent standards, variances from approximate original contour requirements, changes to requirements for post-mining land use, reduced bonding rates and period of responsibility, and allowance of excess spoil to be placed on abandoned mine land outside the permit area.

Scope/Methodology:

OSM will work with MDE to encourage increased use of remining incentives through sharing of OSM remining committee meeting minutes; meeting with MDE two to four times a year to discuss progress; additional incentives; outreach efforts with the coal industry, land reclamation committee, and other interested parties; creation of site inventories for eligible sites; and preparing cost/benefit analysis for the incentives.

Report:

As needed for inventory and/or cost benefit analysis.

Abandoned Mine Lands Program

Abandoned Mine Lands Inspections and Oversight

Goal:

To assure the Maryland Abandoned Mine Land (AML) Plan achieves the results of SMCRA in accordance with approved plan procedures.

Background:

The Pittsburgh Oversight and Inspection Office has historically conducted AML oversight in Maryland in close coordination with officials in the Land Restoration Section. This oversight has been in the form of joint inspections of all phases of AML-funded projects, joint emergency investigations, and technical assistance evaluations of various proposed grant sites.

Scope:

During the evaluation year, the Pittsburgh Oversight and Inspection Office will continue to implement established procedures for conducting AML oversight in Maryland. The thrust of this effort will be along the following lines of activity:

1. Jointly conduct investigations of reported emergency situations.
2. Award and administer annual grants.
3. Review National Environmental Policy Act (NEPA) documents for Categorical Exclusion, Environmental Assessment (EA) and Environmental Impact Statement (EIS) requirements in a timely manner.
4. Provide Authorizations to Proceed to the State as per NEPA requirements.
5. Conduct joint inspections with the State as part of an enhancement and review process.

Methodology:

It is anticipated that approximately 14 inspections\investigations will be conducted during this evaluation year. The data from these inspections will be documented on Citizen Complaint Investigation forms and Construction Inspection forms. All emergency recommendations will be forwarded through the Pittsburgh Oversight and Inspection Office to the Chief of the Federal Reclamation Programs Branch. All data collected will be used to evaluate and assist the State in the administration, implementation and maintenance of their approved program. The overall measure of the Pittsburgh Oversight and Inspection Office review will be the documentation of successful end results.

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Abandoned Mine Lands Projects

Goal:

To determine whether AML projects are being undertaken in a timely, effective, and efficient manner under Maryland's approved AML program. Review of recipient's procurement system can assist the State by identifying irregularities and assuring proper internal management controls.

Scope:

Maryland's procedures and practices will be reviewed to determine whether there are any unnecessary delays in selection, design, advertisement, award, and completion of AML projects in Maryland. Such areas as cost, quality, delivery, competition, source selection, and sub-contract administration will be reviewed.

Methodology:

Following a review of standard procurement regulations in Maryland, an interview will be conducted of Maryland personnel involved in the AML reclamation process to determine internal procedures for the selection of potential projects, award of the project to a contractor, administration of the project, and monitoring to completion. Inspections of up to fourteen potential and/or active reclamation sites may be undertaken as necessary.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 2002 evaluation report for Maryland. The report will detail the steps taken, persons contacted, contracts and files reviewed, and sites visited.

Schedule:

The review will be completed by June 1, 2002.

Abandoned Mine Land Inventory System (AMLIS)

Goal:

To review Maryland's process for adding, updating, and maintaining information in OSM's AMLIS.

Background:

States are responsible for maintaining information on OSM's AMLIS system in accordance with OSM Directive AML-1. Recently this directive was revised to include additional methods for adding CSI projects. OSM has not reviewed Maryland's AMLIS data and/or process in recent years.

Methodology:

Maryland personnel responsible for maintenance of the AMLIS system will be interviewed regarding internal procedures for keeping the system current. These procedures will then be compared to requirements of OSM Directive AML-1 for consistency of purpose. Following this action, a sample not to exceed 14 projects will be selected for field verification of AMLIS records.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 2002 evaluation report for Maryland. The report will detail the steps taken, persons contacted, files reviewed, and sites visited.

Schedule:

The review will be completed by July 1, 2002.

Appendix

Data Collection Forms

Off-Site Impact Worksheet Maryland

Permit: _____ **Permittee:** _____ **Date:** _____

Type of Incident _____ (choose one, use another sheet for additional incidences)

1. Land Instability 2. Blasting 3. Surface Water 4. Ground Water 5. Flooding
 6. Encroachment into Prohibited Area 7. Sediment Deposition 8. Public Roadway
 9. Other _____ **Discovery Date** _____

	Resources Affected by Violations with offsite impacts					
Impact	People (Count)	Air (Y/N)	Land (Acres)	Surface Water (Stream Length)	Ground Water (# of Users)	Structures (Count)
Minor						
Moderate						
Major						
Reparable						
Irreparable						
Impact Mitigated						
Impact Unmitigated						

Narrative of Incident and Impacts:

TABLE 4

OFF-SITE IMPACTS														
DEGREE OF IMPACT		RESOURCES AFFECTED												Total
		People			Land			Water			Structures			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total													
Total number of inspectable units: _____														
Inspectable units free of off-site impacts: _____														
OFF-SITE IMPACTS ON BOND FORFEITURE SITES														
DEGREE OF IMPACT		RESOURCES AFFECTED												Total
		People			Land			Water			Structures			
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major	
TYPE OF IMPACT	Blasting													
	Land Stability													
	Hydrology													
	Encroachment													
	Other													
	Total													
Total number of inspectable units: _____														
Inspectable units free of off-site impacts: _____														

Refer to the report narrative for complete explanation and evaluation of the information provided by this table.

PERFORMANCE TRACKING

EVALUATION FORM

Maryland Version

Form Date: 9/26/2001

Review Date:	Inspector #	
Company:	Inspector:	
Permit Number:	State:	Maryland
Permit Issue Date:	Expires:	County:
Facility Type (Surface, Underground, Tipple): Surface	Township:	

PERMITTING STANDARDS:		
A. PERMIT TERMS AND CONDITIONS		Response
1.	Date annual progress review completed (For Md = Annual Progress Review)	
	a. Was review acceptable without requiring modifications? (ie; bond, land use, CHIA, structures, etc) (If "yes", go to 2.; Otherwise, go to b.)	Yes
	b. List modifications	
2.	Has an application for permit renewal been submitted?(If "No" and autocalc shows (inspection date - expiration date) > 120 days, go to a; Otherwise, go to 4..)	Yes
	a. Please explain absence of application for permit renewal	
3.	Are standard (ie; non-innovative) mining/reclamation techniques planned)? (If YES, go to 5; Otherwise go to a.)	Yes
	a. .Please describe innovative mining / reclamation techniques planned	
4.	Does file contain required written findings of RA per 30CFR773.15(c)? (ie; complete, accurate, reclamation can be accomplished, distance prohibitions, etc.. Note; 7 findings apply to all permits; the rest are site-specific)	Yes
5.	List approved planting species	
6.	List approved planting rates	
7.	Does the permit address the Cultural, historic, and archeological resources? (if no, explain)	Yes
	a. Were comments received from the SHPO? (if no, explain)	Yes

B. HYDROLOGIC PLANNING	Response
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1.	Does the permit file contain a completed CHIA for the cumulative impact area? (ie; assessment of the probable cumulative impacts of all anticipated coal mining in the cumulative impact area on the hydrologic balance and whether proposed operations have been designed to prevent damage to the hydrologic balance outside the proposed permit area)	Yes
2.	Does the application provide an assessment of the PHC?	Yes
3.	Does the permit address the 4 criteria under COMAR 26.20.02.13 N., Hydrologic Reclamation Plan.(measures to minimize disturbance to hydrological balance; prevent material damage, meet water quality laws/regs; protect/replace water user rights. (This should normally be in module III, item 8 of application)	Yes
a.	Is quarterly water monitoring required? (if YES, go to i.; Otherwise, go to b)	Yes
i.	Number of monitoring points?	
ii.	Type of monitoring points (ie, well, spring, stream)	<none listed>
b.	Are all quarterly monitoring reports on file?	Yes
c.	Is there evidence the RA is collecting samples to verify accuracy of monitoring data? (If "NO", comment)	Yes
d.	Is water anticipated to be non-toxic/non-acid? (If YES, go to 4; Otherwise, go to i.)	Yes
i.	Is there a treatment plan? (If "NO", explain)	Yes
ii.	What type of reagent is to be used?	
iii.	What is the source of the AMD/Toxic water?	
4.	Was overburden analysis required? (if "NO" go to a; If YES, go to 5.)	Yes
a.	Is there a written finding on file showing analysis is unnecessary because other information is available?	Yes
5.	Did analysis indicate overburden was non-toxic? (If YES, go to 6; Otherwise, go to a.)	Yes
a.	Are special handling conditions required?	Yes
6.	Does the applicant provide water quality data from the mine pool?	Yes
7.	Are streams anticipated to be free of impacts such as fills or affectment?? (If "Yes", go to next section; Otherwise, go to a)	Yes
a.	How many acres is the watershed?	
b.	What are the direct impacts (ie; stream crossings, sediment ponds, fills, mining through)	

C. OWNERSHIP/CONTROL		Response
1.	Has the permittee of record remained unchanged? (If YES, go to 2; Otherwise, go to a.)	Yes
a.	Name of new permittee	
2.	Is the permittee of record working the permit? (If YES, go to next section; otherwise go to a)	Yes

a.	Name of contract operator	
b.	Is the contract operator approved per COMAR 26.20.02.03A?	Yes

D. TEMPORARY CESSATION		Response
1.	Are surface coal mining and reclamation operations ongoing? (If YES end this section; Otherwise, go to a.)	Yes
a.	Has the operation been inactive for less than 30 days? (If YES, go to end-otherwise, go to b.)	Yes
b.	Is the operator intending to continue mining operations? (If YES, go to c.;p otherwise go to i.)	Yes
	i. Date permittee submitted notice to cease or abandon mining operations	
c.	How long are operations to remain under temporary cessation?	Yes
d.	Date Inactive Status approved?	
e.	Number of consecutive temporary cessations?	
f.	Date permit expires?	
g.	Does temporary cessation cease prior to the date of permit expiration?	Yes
h.	Has the operator submitted for permit renewal?	Yes
i.	Is the right of entry current?	Yes
j.	Can the site be reclaimed today in accordance with current permit reclamation plan? (Otherwise, explain)	Yes
k.	Will all current disturbed areas (Other than the pit) be backfilled and resoiled during the temporary cessation? (If "NO", explain)	Yes
l.	Has the operator submitted information for the need to remain in temporary cessation?	Yes
m.	Has the site been deemed abandoned by MSHA?	Yes
n.	Does the operator have the equipment on site capable of completing reclamation?	Yes
o.	Is reclamation being conducted to allow operations to continue as planned?	Yes
p.	Are there remaining coal reserves on the permit?	Yes
q.	Has an adjacent area permit been submitted?	Yes
r.	Are reclamation activities and water treatment continuing?	Yes

MINING STANDARDS:

E. COAL RECOVERY		Response
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1.	Name the coal seam(s) being mined	
2.	List the number of acres that have been proposed for auger mining	
3.	List the number of acres which have been auger mined thus far	
4.	Name the coal seams which have been auger mined thus far	

F. SPOIL HANDLING		Response					
1.	Is the overburden analysis in the permit file representative of field conditions?	Yes					
2.	Is spoil being placed on the downslope in an approved manner? (If YES, go to 3.; Otherwise, go to a.)	Yes					
a.	List the acreage associated with downslope spoil placement						
3.	Is the permit free of toxic material? (If YES, go to 4; otherwise go to a.)	Yes					
a.	Does the approved permit include a toxic material-handling plan? (If YES, go to 4; Otherwise, go to b.)	Yes					
b.	Identify the general method of handling; (blending, segregation, other)						
c.	List the acreage addressed by the toxic material handling plan						
4.	Is spoil being disposed of in a normal manner? (If YES, go to 5.; Otherwise go to a.)	Yes					
a.	List the acreage currently affected by each excess spoil disposal area	Excess Spoil ID	Acreage	Excess Spoil ID	Acreage		
5.	Is the permit free of coal mine waste (ie; coal processing or u.g. development waste)? (If YES, go to next section.; Otherwise, go to a.)	Yes					
a.	List the type of disposal (cells, pit placement, underground pile, slurry impoundment)	Refuse Area ID	Type	Area	Refuse Area ID	Type	Area

G. DRAINAGE CONTROL TREATMENT/MONITORING/CERTIFICATION (By pond #)	
1.	What are the following pre-treatment chemical properties of water on the permit?

a.	Pond ID	PH (s.u.)	Fe (mg/l)	Mn (mg/l)	Flow (gpm)	Source

2.	Can quarterly water monitoring points be located?	Yes
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3.	What is the watershed status?	Undisturbed
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4.	Are all discharges from the permit within effluent limits? Complete the following table for all discharges not meeting effluent limits.	Yes
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a.	Pond ID	PH (s.u.)	Fe (mg/l)	Mn (mg/l)	Flow (gpm)	Source

H. REMINING		
1.	Is the permit free of previous mining? (If YES, go to 2; Otherwise, go to a.)	Yes
a.	Does the permit include a designation of area eligible for remining? (If YES, go to i; Otherwise, go to b.)	Yes

i.	How many acres are designated eligible for remining	
ii.	Has the entire area designated as eligible for remining been affected by prior mining? (If YES, go to b; Otherwise, go to A.)	Yes
A.	How many acres eligible for remining are not affected by prior mining	
b.	Based on information in the permit application or site visit, identify any on-site AML features that existed prior to current mining and reclamation that are planned to be eliminated by mining and reclamation on this permit. And, of the area currently affected, please provide an estimate for each item below	
i.	Lineal feet of AML highwall planned for elimination	
ii.	Lineal feet of AML highwall affected to date	
iii.	Acres of unreclaimed AML spoil planned for reclamation	
iv.	Acres of unreclaimed AML spoil affected to date	
v.	Number of underground mine openings planned for elimination	
vi.	Number of underground mine openings affected to date	
vii.	Acres of underground mines planned for day lighting	
viii.	Acres of underground mines day lighted to date	
ix.	Number of dangerous structures planned for removal	
x.	Number of structures removed to date	
xi.	Is the re-mined area free of pre-existing? (If YES, go to xii.; Otherwise, go to A.)	Yes
A.	Describe the monitoring plan	
xii.	Is overall water quality being improved? (if YES, go to A; Otherwise, go to xiii)	Yes
A.	Quantify improvement through monitoring results from upstream and downstream and springs and well; (miles of improved streams, number of wells, number of springs improved)	
xiii.	Identify other AML related on-site problems and corrective measures	
2.	Are all reclamation activities confined to the permit area (ie; no AML no-cost contracts or AML direct-negotiated contracts)? (If YES, go to 3; Otherwise, go to a.)	Yes
a.	Lineal feet of AML highwall eliminated	
b.	Acreage of unreclaimed spoil reclaimed	
c.	Number of underground mine openings eliminated	
d.	Acreage of underground mines day lighted	

e.	Number of dangerous structures removed	
f.	Is water quality being improved? (if YES, go to i; Otherwise, go to 'h'.)	Yes
g.	Quantify improvement through monitoring results from upstream and downstream and springs and well; i.e. miles of improved streams, number of wells, springs improved, etc.	
h.	Identify other AML related off-site problems and corrective measures	
3.	Is the permit free of AML features in or adjacent to the permit that should be eligible for remining or considered for a potential AML contract with the permittee? (If YES, go to next section; Otherwise, go to a)	Yes
a.	Please describe the features	

I. VARIANCES					
1.	Is affectment contained within the standard distance prohibition variances?(If YES, go to 2.; Otherwise, go to a.)			Yes	
	Feature	Quantified impact to the feature	Variance Granted	Approved or Actual Distanceto Feature	Measure to all Roads in streams (if authorized) and comments on the impacted feature
	Streams	f			
	Cemetery	within ft			
	Public Road	f			
	Residences	affected			
	Public Buildings	affected			
	Other				
2.	How many acres of federal lands is permitted?				
3.	Does affectment refrain from disturbing cultural/historical resources (If YES go to 4.; Otherwise, go to a.)			Yes	
a.	Has the SRA determined that identified resources must be mitigated or protected?			Yes	
4.	Is the permit free of valid existing rights for any prohibited mining areas? (If YES, go to 5.; Otherwise, go to a.)			Yes	
a.	Please describe the VER approval				
5.	Is sufficient soil available for redistribution? (If YES, go to 6; Otherwise go to a.)			Yes	

a.	Has alternate material or amendments been approved for distribution? (If YES go to b; Otherwise, go to 6.)	Yes
b.	Has an analysis of substitute material been provided?	Yes
c.	Describe the type of alternate material or amendment	
d.	Acres of alternate material coverage proposed for areas of no topsoil	
e.	Acres of alternate material coverage proposed for areas of insufficient topsoil quantity	
f.	Acres of alternate material coverage proposed for areas of insufficient topsoil quality	
6.	Is the permit free of jurisdictional or other identified wetlands? (If YES, go to 7.; Otherwise, go to a.)	Yes
a.	Has a wetland mitigation plan been approved by Corps Of Engineers and SRA?	Yes
7.	Does the permit include an approved experimental practice(s)? (If YES, go to a.; Otherwise, go to 8)	Yes
a.	Please describe the experimental practices	
8.	Does the permit require that all surface drainage be directed to a pond? (If YES, go to 10; Otherwise, go to a.)	Yes
a.	How many acres are included in the drainage exemption?	
b.	What is approved as the alternative drainage control?	
9.	Is there an AOC variance? (If YES, go to a.; otherwise, go to next section)	Yes
a.	Describe alternative configuration	
b.	How many acres are approved for alternative configuration	

J. EXPLOSIVES USE		
1.	Is blasting prohibited?	Yes

K. CONSTRUCTION/MAINTENANCE OF ROADS		
1.	Linear feet of public roads permitted	
2.	Linear feet of public roads improved	
3.	Are all roads used to facilitate mining private? (If YES, go to next section.; Otherwise, go to a)	Yes
a.	Did the public road exist prior to application for permit?	
b.	Is the effect on the public road from mining use minor?	

c. Is the public road incidentally, rather than directly, a part of the mining operation?	
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L. STATE INSPECTIONS						
1.	Enter number of state inspection conducted in previous twelve (12) months:	Complete -	Partial			
2.	Complete the following table from your review of the last three complete state inspection reports. Is there evidence that the state inspector:					
	Date of state inspection					
	Type of inspection	Complete	Complete	Complete	Complete	Complete
	Reviewed permit requirements					
	Reviewed self-monitoring information					
	Reviewed blasting records and plans					
	Sent field samples for lab analysis of all discharges?					
	Conducted field tests of all discharges					
	Noted adequacy of erosion and sedimentation controls					
	Noted mining activities					
	Noted reclamation activities					
	Identified any existing pattern of violations					
	Noted contemporaneous reclamation					
	Is the status of all outstanding violations included					
3.	Were descriptions of violations adequate to determine seriousness?					
4.	For this inspection date, were all joint inspection violations cited?					

RECLAMATION STANDARDS:	
M. GENERAL	
1.	Were innovative reclamation techniques used as described in the permit plan? (See question #5 under Permit Terms and Conditions)
	Yes

N. BACKFILLING/GRADING	
1.	How many landslides exist on the backfilled area? (If >0, go to a.; If 0, go to 2.)
a.	How many acres are affected?
2.	Are all slopes on the permit less than 20 degrees?
	Yes

O. HYDROLOGIC QUANTITY/QUALITY/RECHARGE RESTORATION	
1.	Have all seeps been previously identified? (If YES, fill in table below)
	Yes

2.	Is the permit free of permanent structures (existing or proposed)? If YES, go to "a", otherwise go to #3)	NA		
a.	Has the permittee demonstrated that the structures will support the post-mining land use?	NA		
b.	Please identify the number, size, and type of structures (impoundments (acres); wetlands (acres); permanent streams (ft); intermittent streams (ft); access roads (ft); Public Rd (ft.); parking (acres); buildings (type); Other (describe)	Structure Type	Count	Total Size
		Impoundments		Acs
		Wetlands		Acs
		Permanent Streams		Ft
		Intermittent Streams		Ft
		Access Roads		Ft
		Public Roads		Ft
		Parking Area		Ac
		Building Type		
3.	Describe any innovative revegetation techniques employed			

Q. CONTEMPORANEOUS RECLAMATION	
1.	What is approximate acreage of approved type(s) of mining, (as applicable):
a.	Contour
b.	Area
c.	Steep Slope
d.	Auger
e.	Mountaintop Removal
f.	Other Minerals
g.	Remining
h.	Long Wall
i.	Room and Pillar
j.	Pillar Removal
k.	Other (describe)
2.	For Contour Mining, how many feet is backfilling following the active pit?

a. For contour mining, how many acres of open pit are there?		
3. For Area Mining, how many acres are not backfilled?		
a. For area mining, how many acres of open pit are there?		
4. For "Other", what does the schedule require for timing and /or distance requirements?		
5. Is a standard reclamation schedule in effect for contour or area mining? (If YES, go to 6.; Otherwise go to a.)		Yes
a. Is the alternate schedule justified in the Permit or alternate reclamation plan?		Yes
b. Describe the alternate schedule		
6. Are all areas ready to be reclaimed currently undergoing reclamation ?(If YES go to 7.; Otherwise go to a.)		No
a. Acreage affected?		
b. Acreage reclaimed?		
7. If permit includes auger mining on an existing AML highwall, does the permit require complete elimination of that highwall?		Yes

ENFORCEMENT		
R. OFF-SITE IMPACTS		
1. Was Site free of Off-Site Impacts? (If NO, complete a- c; Otherwise end)		Yes
a. Number of Impacts?		

		Type	Land Instability	Blasting	Surface Water	Ground Water	Flooding	Encroachment	Sediment	Public Roads	Other
b.	Element										
	i. Were people affected by?										
c.	a. Impact? (Minor, Moderate, Major)										
	b. Reparable?										
	c. Mitigated?										
I M P A C T A S S E S S M E N T	ii. Was air improved?										
	a. Impact? (Minor, Moderate, Major)										
	b. Reparable?										
	c. Mitigated?										
	iii. Was land improved?										
	a. Impact? (Minor, Moderate, Major)										
	b. Reparable?										
	c. Mitigated?										
	d. Extent		ac	ac	ac	ac	ac	ac	ac	ac	ac
	iv. Was surface water improved?										
	a. Impact? (Minor, Moderate, Major)										
	b. Reparable?										
c. Mitigated?											
d. Stream Length		lf	lf	lf	lf	lf	lf	lf	lf	lf	
v. Was ground water improved?											
a. Impact? (Minor, Moderate, Major)											
b. Reparable?											
c. Mitigated?											
d. Number of users											
vi. Were structures improved?											
a. Impact? (Minor, Moderate, Major)											
b. Reparable?											
c. Mitigated?											
d. Number of structures											

Updated 10/31/01

COMMENTS AND/OR CONTACTS WITH PROPERTY OWNERS OR STATE PERSONNEL:
(Use this section to explain or provide detail for any questions above.)



TOPICAL REPORTS STATUS (Action Recommended)				
RECOMMENDATION	REPORT TITLE	REPORT DATE	STATUS	COMMENTS
9. Recommend Maryland assure adequate support is provided for findings regarding existing structures, augering, and remining.			9. Under review by MDE	make a decision on how to make comments from state and federal agencies more accessible. 9. MDE agreed via 12/14/00 letter to review the Written Findings checklist and revise it as necessary to reflect the recommendations 9/27/01 – The Bureau is still reviewing recommendations 1-9 and will provide a revised checklist when completed – Note; based on informal program amendment submittal re: EPACT/732 (MD-574-00), OIO advises inclusion on checklist of written findings requirements for new COMAR section 26.20.14.13D.
It is recommended that, upon receipt of OSM’s review, Maryland formally submit a program amendment which will address the twelve areas identified as not as effective as their federal counterpart as a result of the 1994 federal revisions, and the one issue which is in addition to the 1994 revisions	Maryland Impoundments Review	Evaluation Year 2001	Maryland informal program amendment 048 currently under review by OSM	9/27/01 – In progress; status remains the same; MDE will submit as formal amendment as soon as all questions are satisfied.

TOPICAL REPORTS RECOMMENDATION STATUS
(Action Necessary)

RECOMMENDATION	REPORT TITLE	REPORT DATE	STATUS	COMMENTS
<p>2. <i>Qualified Laboratories</i> Recommend a clause be inserted in SOAP POs and/or the IDC requiring laboratories and subcontractors to meet the State safety and health program requirements as required by COMAR 26.20.16.07(d).</p> <p>3. <i>Assistance Funding</i> Recommend MDE pursue a program amendment or adopt a formal policy approved by the State Attorney General to establish a formula for allocating funds if available funds are less than required to provide SOAP services in accordance with Federal requirements under 30CFR 795.11.</p>	<p>Maryland Small Operator Assistance Program Study</p>	<p>EY 1998</p>	<p>2. Track to implementation</p> <p>3. Track to implementation</p>	<p>2. The Bureau will work with the Dept of General Services to explore the possibility of including a requirement to meet State safety and health requirements.</p> <p>3. Example policies provided 1/4/99 to MDE at MDEs request to assist in adopting a formal policy</p> <p>9/27/01 – The Bureau is working to satisfy issues contained in OSM’s August 9, 2001 letter.</p>

TOPICAL REPORTS RECOMMENDATION STATUS
(Action Necessary)

RECOMMENDATION	REPORT TITLE	REPORT DATE	STATUS	COMMENTS
<p>2. Notification Recommend that MDE document whether or not the National Park Service and Federal Fish and Wildlife Service have an interest in receiving permit applications, or automatically notify these agencies of receipt of all permit applications. Recommend documentation of USDA Soil Conservation Service notification of permit receipt, and that the NPDES agency and Soil Conservation District were provided copies of the application and the opportunity for technical on-site evaluation within two weeks of notification.</p> <p>3. Evaluation Recommend documentation of transmittal of comments/hearing requests to the applicant.</p> <p>Recommend documentation of disposition of comments received by the public and government agencies including the date acted on.</p> <p>4. Public Hearing Recommend holding public hearings whenever a written request is received</p> <p>Recommend documenting notification to commenters and each party to a hearing of permit approval or denial</p> <p>5. Reclamation Plan Review Recommend documenting newspaper publication certification.</p> <p>Recommend documenting required notification to the applicant, MDE, and any participants in an LRC hearing of the decision to approve or reject a reclamation plan.</p>	<p>Maryland Public Participation In the Permitting Process</p>	<p>August, 1999</p>	<p>Per 11/8/00 meeting MDE to provide comments</p>	<p>2. 6/21/01 meeting - MDE agreed to send copy of checklist that documents notification to resolve this item.</p> <p>9/27/01 – MDE provided revised checklist that has added NPS and FWS. Still need to address notification of USDA SCS, and showing that copy of application sent < 2 weeks to NPDES and soil conservation district per COMAR 26.20.04.02C. (2)</p>
<p>1. Under finding #2, <u>Methods</u>, it was found that Maryland's visual estimation technique does not include the required statistical validity required by regulation per COMAR 26.20.29.07A. It is recommended that Maryland adopt and perform a statistically</p>	<p>Maryland Revegetation Evaluation Techniques</p>	<p>EY2000</p>		

TOPICAL REPORTS RECOMMENDATION STATUS
(Action Necessary)

RECOMMENDATION	REPORT TITLE	REPORT DATE	STATUS	COMMENTS
valid method(s) for estimating the success of vegetation in accordance with COMAR 26.20.29.07A				
<p>5. Recommend that Maryland adopt rules corresponding to federal regulations under 30CFR 773.15(c)12 and 13 relating to remining findings.</p> <p>6. Recommend that Maryland adopt rules corresponding to federal regulations under 30CFR785.20(c) for augering findings (i.e.; reference COMAR 26.20.24.01).</p> <p>8. Recommend that Maryland assure haul road performance standards are being met for permit SM -99-432.</p> <p>10. Recommend Maryland provide a definition for the term water wells as used under COMAR 26.20.15.03.</p>	Maryland Permit Findings	EY2000	<p>5 and 6 – track to decision on revisions</p> <p>8. Resolved</p> <p>10. Resolved</p>	<p>5 and 6 – MDE will consider revising the regulations as recommended after other regulation revisions are completed.</p> <p>8. MDE letter of 12/14/00 provided assurances that hr standards are being met for this permit</p> <p>10. Informal program amendment submitted by MDE to address EPACT/732 (MD-574-00) addresses this by adding new language @ COMAR 26.20.14.13D. which addresses additional performance bond time extensions.</p>