
PERFORMANCE AGREEMENT

Evaluation Year 2005

(July 1, 2004 to June 30, 2005)

Maryland
Department of the Environment



And



The Office of Surface Mining
Reclamation and Enforcement

August 2004

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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 Field Division (PFD), OSM, and the Maryland Department of the Environment (MDE), is to:

- X Continue our shared commitment to fully implement SMCRA.
- X Identify mutual goals towards continuous program improvement and work in partnership to accomplish those goals.
- X Exercise joint decision-making in oversight topic selection, prioritization, and resource utilization.
- X Utilize expertise and resources of both agencies in joint problem-solving to address program improvement.
- X Measure program effectiveness using on-the-ground results as the principal focus.
- X 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 Field Division 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 Field Division

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


SEP 30 2004
George J. Rieger Date

Chief, Pittsburgh Field Division
Office of Surface Mining
Reclamation and Enforcement


9.14.04
C. Edmon Larrimore Date

Manager, Mining Program
Maryland Department of Environment


9/20/04
Thomas C. Boone Date

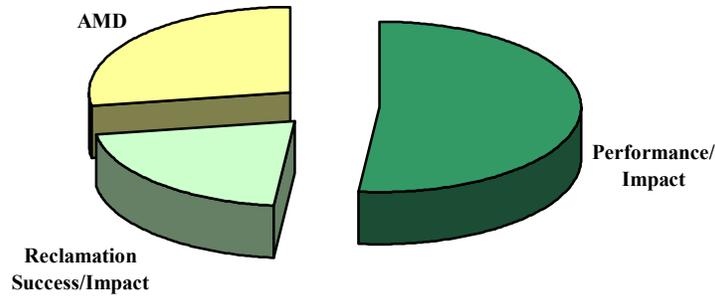
Director, Inspection and Compliance Program
Maryland Department of Environment

Program Evaluation

Title V

Inspections

Proportion of Inspection Types



REGULATORY INSPECTIONS

Performance/Off-site impact - Randomly selected active and inactive sites. Focuses on on-the-ground performance, including off-site impact evaluation and general program implementation.	15 inspections
Reclamation Success/Off-site Impacts - Non-randomly selected active and inactive sites. Evaluates the achievement of successful reclamation. Includes off-site impact evaluation.	6 inspections
AMD Inventory Inspections – Conducted to maintain AMD inventory by updating costs associated with treatment, and adding/deleting sites on the inventory.	~6-8 inspections
Total (Regulatory)	~27-29 inspections

Required Topical Studies

Customer Service – Public Participation in the Permitting Process

Goal:

To review administrative and regulatory procedures adopted by MDE which deal with public participation in the permitting process.

Background:

OSM directive REG-8 stipulates that OSM conduct an oversight evaluation yearly of an area of the State program that involves customer service. These areas are to be selected from one of six categories:

- Handling of citizen complaints
- Permitting actions
- Bond releases
- Lands unsuitable petitions
- Administrative and judicial review
- AVS determinations

Permitting actions were last reviewed during the EY99 evaluation year. This review will deal with MDE=s customer service in the areas of providing public notice and public hearings during the permit review process.

Scope:

A review of MDE=s applicable laws, regulations and procedures for public notification and public hearings during the permit review process will be conducted.

Specific requirements contained in the Annotated Code of Maryland 15-505, Code of Maryland Regulations (COMAR) 26.20.04 , 26.20.06, 26.20.07, and 8.16.01, Surface Mining Control and Reclamation Act (SMCRA) section 513, 514, and 526, 30CFR 773.13, and associated laws, rules, and regulations will be used for reference.

Methodology:

The review will utilize a sample of all permits that have been issued or significantly altered per COMAR 26.20.07.02 during the last three years (same sites as for the PHC/CHIA study). The permits will be reviewed with MDE permitting personnel. Permitting files will be reviewed which document state actions with regard to compliance with the provisions of Maryland=s approved program in relation to public participation in the permitting process. These regulations deal specifically with the applicant=s

newspaper advertisement, availability of the application to the public, public participation, public hearings, and adjudicatory and administrative appeals. 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.

Schedule:

The report will be completed by March 1, 2005.

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 Field Division 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 Field Division will continue the reclamation success study in evaluation year 2005. 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. Six inspections will be conducted of stage three release sites. If six 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, whether reclamation performance standards are being met, 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. A special emphasis during this evaluation year will be on the success of tree/shrub plantings. During the last evaluation year it was noted that a significant majority of sites revegetated with trees and/or shrubs were rejected by the land reclamation committee for both phase II and phase III reclamation success.

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 ABackfilling 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 2005 evaluation report for Maryland.

Schedule:

The final report will be completed by May 1, 2005.

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 Field Division 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 Field Division will conduct 15 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 APerformance 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 2005 evaluation report for Maryland.

Schedule:

The final report will be completed by June 1, 2005.

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 collects data through their civil penalty process using table 4 of Directive REG-8, Offsite Impacts, included in the appendix.

Scope:

The Pittsburgh Field Division will jointly inspect 21 mine sites for on-the-ground impacts associated with mining. Fifteen of the mine sites will be randomly selected sites. An additional six 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 reparable, 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). 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 in combination with the Performance Monitoring Report. 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 2005 evaluation report for Maryland.

Schedule:

The final report will be incorporated into the Performance Monitoring report which will be completed by June 1, 2005.

Additional/Ongoing Studies

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 Field Division, 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 that generate contaminated mine discharges. 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, it must be maintained and updated as necessary.

Scope:

The present AMD Inventory sites in Maryland and their status are:

MARYLAND ACID MINE DRAINAGE INVENTORY (Revised 07/06/04)							
PERMIT	STATUS	MARYLAND BOND ADJUSTMENT	BOND AVAILABLE FOR TREATMENT	EXISTING TREATMENT FACILITY TYPE	AMD DISCHARGE FROM PERMIT?	LAST OSM AMD INSPECTION	COMMENTS
SM-84-297	Inactive	\$0	\$0	Limestone drain/ Sediment pond	NO	11/19/03	Bond released 11/19/03 (\$20,000 account set up w/Md. Treasury)
SM-84-335	Forfeiture	\$0	\$0	Anoxic limestone drains/ponds	YES	11/19/03	MDE plans no major commitment of funds for further reclamation activity at this site
DM-84-101	Active	pending decision	NA	Treatment plant	NO	05/17/04	Monitoring plan required as part of permit renewal
TOTALS		\$0	\$0				

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. Presently OSM and MDE are evaluating two sites; Buffalo SM-92-422 and Masteller DM-92-110, for possible inclusion, and removal of Allegany SM-84-297.

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/PFD 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 will 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 PFD 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 PFD 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 PFD 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 determined. PFD, 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:

Any changes to the inventory and/or treatment costs will be included in the EY2005 Annual Report.

Subsidence Procedures

Goal:

To review the implementation and results of MDE regulations relating to subsidence to assure compliance with program requirements. This will include compliance with requirements designed to minimize subsidence, and mitigate effects of planned subsidence.

Background:

Regulations which govern the planning and conduct of underground coal mining operations which may result in subsidence is governed by COMAR 26.20.02.15 and .16, and 26.20.13.07 - .10.

Scope: Maryland has six deep mine permits on the inspectable units list which will be reviewed.

Methodology:

A file review will be done to determine whether all subsidence related requirements for the planning and conduct of underground operations are being fulfilled. Interviews will be conducted with both Maryland personnel and personnel representing the industry to determine procedures followed when material damage is alleged or confirmed. Information will be collected on contents of surveys, subsidence control plans, public notice, and surface owner protection, to assure all requirements of Maryland's approved program are being followed. Information collection will be documented on Performance Tracking Evaluation forms developed for the study.

Report:

PFD will prepare a report that addresses any programmatic findings that are noted. Recommendations will be made as necessary. Maryland will be provided the opportunity to comment on the report prior to finalization.

Schedule:

The report will be completed by October 15, 2004.

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. PFD 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.

Drawdown 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 ARCC Grants Specialist and FO Program Staff will determine the timing, magnitude, and complexity of these reviews 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:

Reviews will generally be conducted on a quarterly basis.

Joint Project – State’s Choice

Goals:

A study of Maryland’s choosing will be conducted, with assistance by OSM, to address any area of the approved Maryland program identified as having potential for improved accuracy, efficiency, or accomplishments.

Background:

Standard procedure in past performance agreements is for OSM to propose program oversight areas and reach consensus with Maryland on scope, methodology, and report writing. While this practice is required as part of OSM Directive REG-8, it is acknowledged that Maryland is best-suited in the knowledge of program areas to determine which could best benefit from a joint review. Therefore, in addition to the program reviews required by REG-8, and additional areas of interest to OSM, Maryland will take the lead in initiating a study of their choice with assistance provided by OSM.

Scope:

Any area related to the successful accomplishment of Maryland’s approved program is eligible for inclusion as a State-choice topical study.

Methodology:

Maryland will identify the project goals, scope, and methodology and, with assistance by OSM, conduct the study.

Report: A report will be prepared at the conclusion of the study which will address findings and recommendations.

Schedule: The topic, goals, scope, and methodology, will be decided by January 1, 2005 with report completion date scheduled for March 1, 2005.

Implementation of 1996 FWS Biological Opinion

Goals: To Review Compliance with the requirements of the 1996 Fish and Wildlife Service (FWS) Biological Opinion and Conference Report on Surface Coal Mining and Reclamation Operations Under the Surface Mining Control and Reclamation Act of 1977

Background: The subject Biological Opinion (BO) was the result of the FWS and OSM discussions on fulfilling consultation needs for permitting and conducting coal mining operations to minimize potential adverse impacts on endangered species (Section 7 of the Endangered Species Act). The BO concluded that as long as the FWS, OSM, and the Regulatory Authorities fulfilled their obligations under SMCRA that surface coal mining and reclamation operations are not likely to jeopardize the continued existence of listed or proposed endangered species, and are not likely to result in the destruction or adverse modification of designated or proposed critical habitats

Scope: The approved State program will be reviewed to assure compliance with the areas included in the Biological opinion, including state counterparts to 30CFR 772.12, 773.12, 773.13, 774.13, 774.15, 815.15, 780.16, 784.21, 816.97, and 817.97.

Methodology: A review of the approved program requirements relating to the subject areas will be conducted. Records of consultation actions relating to endangered species consultations over the last three years will be reviewed to assure proper disposition of any comments relating to endangered species. Evaluation will include confirmation that updated lists of protected species and habitats is being received by Maryland from the FWS field office and that this list is used in the consultation process to develop additional species-specific or site-specific standards and procedures if needed to protect listed and proposed species, their habitats, and designated or proposed critical habitats.

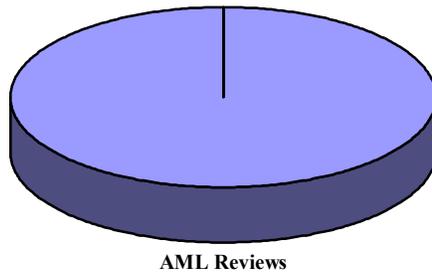
Report: PFD will prepare a report that addresses any programmatic findings that are noted. Recommendations will be made as necessary. Maryland will be provided the opportunity to comment on the report prior to finalization.

Schedule: The report will be completed by February 1, 2005

TITLE IV

Inspections

Proportion of Review Types



ABANDONED MINE LANDS INSPECTIONS

AML Project - conducted to evaluate compliance of AML programmatic goals and requirements of AML projects.

~10 inspections

Subtotal (AML)

~10 inspections

Additional/Ongoing Studies

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 and ACSI 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 ten active or completed reclamation sites may be undertaken as necessary to verify information in files.

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 2005 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 December 15, 2004.

Reclamation Plan Review and Update

Goal:

To assure that the approved AML reclamation plan includes an identification, prioritization, and planning process that reflects current Maryland and federal law and regulatory requirements.

Background:

OSM directive AML-22 includes six “Principles of Excellence and Performance Measures” for evaluating approved AML reclamation programs. One of these measures is that program states must have approved reclamation plans that meet the requirements of federal laws and regulations and conduct reclamation in accordance with their plan. Ongoing discussions between Maryland and OSM have raised concerns regarding whether the reclamation plan has been kept current with changes in law and regulations addressed in the plan.

Scope and Methodology:

OSM will coordinate with Maryland on which version of the reclamation plan is considered the most current, then track changes which have occurred in law, regulation, policy, and procedures, which may require changes to the plan. After identifying any changes necessary, OSM and Maryland will prepare a schedule to implement any necessary changes and monitor progress of implementation.

Report/Schedule:

All actions should be completed by March 15, 2005. No report is anticipated for this exercise.

PROGRAM ENHANCEMENT

Program Amendments

Goal:

It is the mutual goal of PFD and BOM to amend the approved Maryland program as necessary to remain “as effective as” federal requirements. Program amendments are to be processed effectively, efficiently, expeditiously, and within constraints and requirements of 30CFR §732.17.

Background:

In accordance with federal requirements under 30CFR §732.17 States program amendments may be required when changes occur to Public Law 95-87, associated regulations, the approved State program, or when other conditions indicate that the approved State program no longer meets the requirements of Public Law 95-87 or the associated regulations.

Scope:

Any alterations to a State program that meet the requirements for a program amendment, whether on the initiative of the State Regulatory Authority, or OSM, shall be communicated in an effective and efficient manner between the respective agencies and tracked to final resolution.

Methodology:

PFD maintains a tracking table of outstanding Maryland Program Amendments. This table tracks significant actions taken in implementing required program amendments. It is updated periodically as conditions for individual tracked program amendments warrant

Report/Schedule:

The **MARYLAND ARC PROGRAM AMENDMENTS** table is updated and distributed to PFD and Maryland at least quarterly.

Resolution of Outstanding Topical Study Required Actions

Goal:

It is the mutual goal of PFD and BOM to resolve identified issues expeditiously, efficiently, and in a manner that complements and improves program operations. All *required actions* will be formally tracked until resolution or development of an implementation plan to insure prompt resolution.

Background:

Beginning in evaluation year 1998, PFD 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*. *Recommendations* are used when there is no conflict with program requirements but are suggested ways to improve the program. Required actions are used when 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 PFD. Resolution of outstanding issues is ongoing and, at a minimum, outstanding issues are discussed during quarterly meetings. All *required actions* are tracked to a mutually acceptable resolution. Recommendations are informally tracked in order to credit BOM when improvements to the approved program are implemented.

Report/Schedule:

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

Core Data Updates/Inspectable Units Inventory

Goal:

To review Maryland's ADP database system as a follow-up to the EY98 study and to update and maintain the inspectable units list as required by OSM Directive INE-29.

Background:

OSM Directive INE-29 requires that OSM, in coordination with the States, maintain an inventory of inspectable units. At a minimum, the inventory must contain the following fields:

- Permittee/Person
- State Program Permit Number or Unpermitted Reference Number
- Permit Type
- Permit Expiration Date
- Total Permitted Acreage
- State/County of FIPS code
- Federal Lands Permit Number (as applicable)
- MSHA Identification Number
- Facility Type
- Permit Status
- AVS Permittee Entity Number

Maryland maintains an ADP database system that captures permit applications, bonding, inspection and enforcement, and violation information. The system was still under development at the time of OSM's EY98 review. Several recommendations were made in the review to include information in the database to make it compatible with the REG-8 directive data tables that Maryland provides to OSM annually. Since the EY98 review, OSM has added tables to the required REG-8 information, and modified some of the information in the existing tables. In addition, OSM Directive INE-29 requires specific information pertaining to inspectable units. This information is also maintained in Maryland's ADP system.

Scope/Methodology:

OSM will conduct a follow-up of the EY98 report to determine if Maryland's database contains information required in the REG-8 data tables as revised since EY98 and explore the feasibility of adding any additional information required by the directive which is not presently maintained on the system. In addition, OSM will review the information used to maintain the inspectable units listing to assure the listing is complete, current, and contains all information required by Directive INE-29.

Report:

PFM will prepare a report that will discuss the results of the study. The report will include findings and recommendations resulting from the review. Maryland will be provided the opportunity to comment on the report prior to finalization.

Schedule: The report is scheduled to be completed by January 15, 2005.

ASSISTANCE

Clean Streams Initiative

Goal:

To work with agencies of the State of Maryland, and federal and local governing bodies along with industry and citizen=s 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 Georges Creek Watershed Association, Youghioghney 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

Reforestation Initiative

Goal:

In partnership with the State of Maryland and others, encourage the planting of more high value trees on surface mine lands in Maryland.

Background:

The Pittsburgh Field Division in partnership with the State of Maryland has embarked on a Reforestation Initiative designed to plant more trees on active and abandoned coal mine lands. The initiative is intended to increase efforts to cooperate and partner to plant economically viable trees using current Forestry Reclamation Approach (FRA) technology.

Scope:

During the evaluative year, the Pittsburgh Field Division will continue to work with our state counterparts to further the goals of the Reforestation Initiative effort, which include the following:

- Partnering with State and industry in planting trees on surface mine lands using the Forestry Reclamation approach.
- Raising the awareness level of all mining personnel about the value of trees when used as part of the reclamation of surface mine lands.
- Provide assistance to the State through the transfer of technology and training opportunities.
- Encourage coal operators to adopt reclamation practices that involve less grading and more tree planting.

Methodology:

The implementation of the Reforestation Initiative and the Forestry Reclamation Approach technology will be accomplished through the following:

- Quarterly meetings between State of Maryland and OSM Pittsburgh Field Division personnel where the Reforestation Initiative will be a recurring agenda item.
- Presentations to the State Land Reclamation Committee in September 2004 outlining and describing the Initiative.
- Locating a suitable mine site for implementation of the FRA.
- Development of a data collection system for charting tree planting numbers on surface mine sites in Maryland.

Report:

No topical report is anticipated for this activity.

Schedule:

On -going

Abandoned Mine Lands Assistance

Goal:

To assist Maryland in carrying out the approved AML plan.

Background:

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

Scope:

During the evaluation year, the Pittsburgh Field Division will continue to assist Maryland as needed. This effort will include the following activities:

1. Jointly conduct investigations of reported emergencies.
2. Process and award 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 reviews will be conducted during this evaluation year. The data from these reviews will be documented and copies provided to Maryland. All emergency recommendations will be forwarded through the Pittsburgh Field Division to the Chief of the Federal Reclamation Programs Branch. All data collected will be used to assist the State in the administration, implementation, and maintenance of their approved program. The overall measure of the Pittsburgh Field Division review will be the documentation of successful results.

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Equipment and Training Needs

Goal:

To assure Maryland has all necessary equipment and training to successfully carry out the approved program and AML plan.

Background:

The Pittsburgh Field Division has provided Maryland with needed equipment through grants and excess property loans. PFD has also periodically coordinated specialized training customized to fit Maryland's needs.

Scope/Methodology:

During the evaluation year, the Pittsburgh Field Division will continue to assist Maryland as needed in providing equipment and training. This effort will include the following activities:

1. Periodically provide listings of excess equipment available for loan.
2. Assure equipment needs are addressed in annual budget allocations for grants.
3. Assure that training is provided on an as-needed basis

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Quarterly Meetings

Goal:

To provide the opportunity for regularly scheduled meetings between PFD and Maryland to discuss and resolve issues related to the Title V approved program and Title IV plan, provide assistance in policy interpretation, track grant actions and funding information, discuss program amendment reviews and status, discuss status of ongoing topical studies, and equipment and training needs

Background:

Beginning in 1999 Maryland and PFD began to meet on a regularly scheduled basis to discuss any issues relating to either the approved Title V program or Title IV plan. These meetings have proven successful in achieving the agencies' mutual mining and reclamation goals.

Scope/Methodology:

During the evaluation year, the PFD and Maryland will continue meeting on a minimum quarterly basis to discuss issues of mutual interest. Each agency shall share in the planning and conduct of the meetings and documentation of the meeting results will be shared among all participants.

Report:

Minutes of each meeting will be prepared, reviewed by participants for content, and distributed when finalized.

Schedule:

Meetings held at least quarterly

Appendix

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:

Reg-8 (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.

General Oversight Performance Tracking Evaluation

<i>GENERAL OVERSIGHT</i>		
1	Survey Name	GENERAL OVERSIGHT (Maryland)
2	Survey Identification Code	MD03-GNOVERSGT
3	Survey Version	MD03-GNOVRSGHT-29
4	Version Date	5/22/03
5	Date Survey Form Completed	
6	Permit Site Review Date:	
7	Inspector #	
8	Company:	
9	OSM Inspector	
10	Permit Number:	
11	State:	Maryland
12	Permit Issue Date:	
13	County:	
14	Facility Type:	Surface
15	Township:	

Module Title	Jump to Module
Permit Terms and Conditions	A
Hydrologic Planning	B
Ownership and Control	C
Temporary Cessation	D
Coal Recovery	E
Spoil Handling	F
Drainage Control / Treatment / Monitoring / Certification	G
Remining	H
Variances	I
Explosive Use	J
Construction / Maintenance of Roads	K
State Inspections	L
General Reclamation Standards	M
Backfilling / Grading	N
Hydrologic Quantity / Quality / Recharge Restoration	O
Land Use / Revegetation	P
Contemporaneous Reclamation	Q
Off-Site Impacts	R
Narrative / Special Comments	S

This document is Read-Only. After completing data entry for this survey, save the file in the **C:\Data\PTS\Maryland PTS\Unprocessed** folder.

Give the file a name using format: *permit number+GN+inspection date*.

Example: C:\Data\PTS\Maryland PTS\Unprocessed\SM-84-100DR01012003

This indicates that on permit SM-84-100 a general oversight survey (**GN**) was conducted on January 1, 2003
(01012003)

Note: There are no dashes, slashes, or other delimiters in the date portion of the filename

A				PERMITTING STANDARDS:	GS-Mod-A (Rev. 03/27/2003)
	1			Date annual progress review completed (For Md = Annual Progress Review)	
		a		Was review acceptable without requiring modifications? (i.e.; 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 3.)	NA
		a		Please explain absence of application for permit renewal	
	3			Are standard (i.e.; non-innovative) mining/reclamation techniques planned)? (If YES, go to 4; 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)? (i.e.; 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 “yes” go to b; otherwise explain in “a.”)	Yes
		a		Explanation	
		b		Were comments received from the SHPO? (if “yes” go to next section, otherwise go to “1.”)	Yes
			1	Explanation	
	8			Comments (Please designate question #(s) being commented on)	

B				HYDROLOGIC PLANNING	GS-Mod-B (Rev. 03/25/2003)
	1			Does the permit file contain a completed CHIA for the cumulative impact area? (i.e.; 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 1.; Otherwise, go to b)	Yes
			1	Number of monitoring points?	
			2	Type of monitoring points (i.e., well, spring, stream)	Well
		b		Are all quarterly monitoring reports on file?	Yes

B				HYDROLOGIC PLANNING	GS-Mod-B (Rev. 03/25/2003)
		c		Is there evidence the RA is collecting samples to verify accuracy of monitoring data? (If "YES" go to "d"; otherwise go to "1")	Yes
			1	Comment	
		d		Is water anticipated to be non-toxic/non-acid? (If YES, go to 4; Otherwise, go to 1.)	Yes
			1	Is there a treatment plan? (If "YES" go to 2.; otherwise go to "a")	NA
			a	Explanation	
			2	What type of reagent is to be used?	
			3	What is the source of the AMD/Toxic water?	
	4			Was overburden analysis required? (if "YES" go to 5; otherwise, go to a.)	Yes
		a		Is there a written finding on file showing analysis is unnecessary because other information is available?	NA
	5			Did analysis indicate overburden was non-toxic? (If YES, go to 6; Otherwise, go to a.)	Yes
		a		Are special handling conditions required?	No
	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	Stream Crossings
	8			Comments (Please designate question #(s) being commented on)	

C				OWNERSHIP/CONTROL	GS-Mod-C (Rev. 05/22/2003)
	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?	NA
	3			Comments (Please designate question #(s) being commented on)	

D				TEMPORARY CESSATION	GS-Mod-D (Rev. 03/27/2003)
	1			Are surface coal mining and reclamation operations ongoing or site reclaimed? (If YES go to next section; otherwise, go to a.)	Yes
		a		Has the operation been inactive for less than 30 days? (If YES, go to next section; otherwise, go to b.)	NA
		b		Is the operator intending to continue mining operations? (If YES, go to c.; otherwise go to 1.)	NA
			1	Date permittee submitted notice to cease or abandon mining operations	NA
		c		How long are operations to remain under temporary cessation? (Months)	
		d		Date Inactive Status approved?	
		e		Number of consecutive temporary cessations?	

<i>D</i>				TEMPORARY CESSATION	GS-Mod-D (Rev. 03/27/2003)
		f		Date permit expires?	
		g		Does temporary cessation cease prior to the date of permit expiration?	NA
		h		Has the operator submitted for permit renewal?	NA
		i		Is the right of entry current?	NA
		j		Can the site be reclaimed today in accordance with current permit reclamation plan? (If "YES", go to "k"; otherwise go to "1")	NA
			1	Explain	
		k		Will all current disturbed areas (Other than the pit) be backfilled and resoiled during the temporary cessation? (If "NO", explain)	NA
		l		Has the operator submitted information for the need to remain in temporary cessation?	NA
		m		Has the site been deemed abandoned by MSHA?	NA
		n		Does the operator have the equipment on site capable of completing reclamation?	NA
		o		Is reclamation being conducted to allow operations to continue as planned?	NA
		p		Are there remaining coal reserves on the permit?	NA
		q		Has an adjacent area permit been submitted?	NA
		r		Are reclamation activities and water treatment continuing?	NA
	2			Comments (Please designate question #(s) being commented on)	

E				MINING STANDARDS: COAL RECOVERY	GS-Mod-E (Rev. 03/25/2003)
	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	
	5			Comments (Please designate question #(s) being commented on)	

F				MINING STANDARDS: SPOIL HANDLING	GS-Mod-F (Rev. 03/25/2003)												
	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.)	NA												
		a		List the acreage associated with downslope spoil placement													
	3			Is the spoil 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)	Blending												
		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	<table border="1"> <thead> <tr> <th>Excess Spoil ID</th> <th>Acreage</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> </tbody> </table>	Excess Spoil ID	Acreage										
Excess Spoil ID	Acreage																
	5			Is the permit free of coalmine waste (i.e.; coal processing or underground 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)	<table border="1"> <thead> <tr> <th>Refuse Area ID</th> <th>Acreage</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> </tbody> </table>	Refuse Area ID	Acreage										
Refuse Area ID	Acreage																

G				MINING STANDARDS: DRAINAGE CONTROL TREATMENT/MONITORING/CERTIFICATION					GS-Mod-G (Rev. 03/25/2003)		
1				What are the following pre-treatment chemical properties of water on the permit?	Pond ID	PH (s.u.)	Fe (mg/l)	Mn (mg/l)	Flow (gpm)	Source	
2				Can quarterly water monitoring points be located?						Yes	
3				Are all discharges from the permit within effluent limits?						Yes	
4				Complete the following table for all discharges	Pond ID	PH (s.u.)	Fe (mg/l)	Mn (mg/l)	Flow (gpm)	Source	Watershed status?
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
											Undisturbed
						Undisturbed					
5				Comments (Please designate question #(s) being commented on)							

H				MINING STANDARDS: REMINING					GS-Mod-H (Rev. 05/22/2003)	
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 1; Otherwise, go to b.)						NA
		1		How many acres are designated eligible for remining						
		2		Has the entire area designated as eligible for remining been affected by prior mining? (If YES, go to 3; Otherwise, go to a.)						NA
			a	How many acres eligible for remining are not affected by prior mining						

<i>H</i>				MINING STANDARDS: REMINING	GS-Mod-H (Rev. 05/22/2003)
			3	Based on permit application or site visit, identify below any on-site AML features that existed prior to current mining and reclamation that are to be eliminated on this permit. Please provide an estimate for each item below	
			a	Lineal feet of AML highwall planned for elimination	
			b	Lineal feet of AML highwall affected to date	
			c	Acres of unreclaimed AML spoil planned for reclamation	
			d	Acres of unreclaimed AML spoil affected to date	
			e	Number of underground mine openings planned for elimination	
			f	Number of underground mine openings affected to date	
			g	Acres of underground mines planned for day lighting	
			h	Acres of underground mines day lighted to date	
			i	Number of dangerous structures planned for removal	
			j	Number of structures removed to date	
			k	Is the re-mined area free of pre-existing discharges? (If YES, go to 1.; Otherwise, go to 2.)	NA
			l	Describe the monitoring plan	
	2			Is overall water quality being improved? (if YES, go to a; Otherwise, go to 3)	NA
		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)	
	3			Identify other AML related on-site problems and corrective measures	
	4			Are all reclamation activities confined to the permit area (i.e.; no AML no-cost contracts or AML direct-negotiated contracts)? (If YES, go to 5; 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 g; Otherwise, go to h.)	NA
		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	
	5			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	
	6			Comments (Please designate question #(s) being commented on)	

<i>I</i>				MINING STANDARDS: VARIANCES	GS-Mod-I (Rev. 05/22/2003)
	1			Is affectment contained within the standard distance prohibitions?(If YES, go to 2.; Otherwise, go to a.)	Yes

I					MINING STANDARDS: VARIANCES				GS-Mod-I (Rev. 05/22/2003)	
	a	Feature Affected	Feature	Quantified impact to the feature	Variance Granted	Approved or Actual Distance to Feature	Measure to all Roads in streams (if authorized) and comments on the impacted feature			
					Streams					
					Cemetery					
					Public Road					
					Residences					
					Public Buildings					
					Other					
					Other					
					Other					
2					How many acres of federal lands are permitted?					
3			Does affectment refrain from disturbing cultural/historical resources (If YES go to 4.; Otherwise, go to a.)							
	a		Has the SRA determined that identified resources must be mitigated or protected?							
4			Is the permit free of valid existing rights for any prohibited mining areas? (If YES, go to 5.; Otherwise, go to a.)							
	a		Please describe the VER approval							
5			Is sufficient soil available for redistribution? (If YES, go to 6; Otherwise go to a.)							
	a		Has alternate material or amendments been approved for distribution? (If YES go to b; Otherwise, go to 6.)							
	b		Has an analysis of substitute material been provided?							
	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.)							
	a		Has a wetland mitigation plan been approved by Corps Of Engineers and SRA?							
7			Is the permit free of experimental practice(s)? (If YES, go to 8.; Otherwise, go to a)							
	a		Please describe the experimental practices							
8			Does the permit require that all surface drainage be directed to a pond? (If YES, go to 9; Otherwise, go to a.)							
	a		How many acres are included in the drainage exemption?							
	b		What is approved as the alternative drainage control?							
9			Is the permit free of AOC variances? (If YES, go to next section.; otherwise, go to a.)							
	a		Describe alternative configuration							
	b		How many acres are approved for alternative configuration							
10			Comments (Please designate question #(s) being commented on)							

J					MINING STANDARDS: EXPLOSIVES USE	GS-Mod-J (Rev. 03/25/2003)
	1				Is blasting prohibited?	Yes
	2				Comments (Please designate question #(s) being commented on)	

K					MINING STANDARDS: CONSTRUCTION/MAINTENANCE OF ROADS	GS-Mod-K (Rev. 03/26/2003)
	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?	NA
		b			Is the effect on the public road from mining use minor?	NA
		c			Is the public road incidentally, rather than directly, a part of the mining operation?	NA
	4				Comments (Please designate question #(s) being commented on)	

L					MINING STANDARDS: STATE INSPECTIONS	GS-Mod-L (Rev. 03/26/2003)																																																									
	1				Enter number of complete State inspections conducted in previous twelve (12) months																																																										
	2				Enter number of partial State inspections conducted in previous twelve (12) months																																																										
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<i>M</i>		RECLAMATION STANDARDS: GENERAL			GS-Mod-M (Rev. 03/26/2003)
1				Were innovative reclamation techniques used as described in the permit plan? (See question #5 under Permit Terms and Conditions)	NA
2				Comments (Please designate question #(s) being commented on)	

<i>N</i>		RECLAMATION STANDARDS: BACKFILLING/GRADING			GS-Mod-N (Rev. 03/26/2003)
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
3				Comments (Please designate question #(s) being commented on)	

<i>O</i>		RECLAMATION STANDARDS: HYDROLOGIC QUANTITY/QUALITY/RECHARGE RESTORATION			GS-Mod-O (Rev. 03/26/2003)																																																																																																
1				Have all seeps been previously identified? (If YES, fill in table below)	Yes																																																																																																
2				SEEP INFORMATION	<table border="1"> <thead> <tr> <th>SeepID</th> <th>PH (s.u.)</th> <th>Fe (mg/l)</th> <th>Mn (mg/l)</th> <th>Latitude (d.ddddd)</th> <th>Longitude (d.ddddd)</th> <th>Flow (gpm)</th> <th>Source</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	SeepID	PH (s.u.)	Fe (mg/l)	Mn (mg/l)	Latitude (d.ddddd)	Longitude (d.ddddd)	Flow (gpm)	Source																																																																																								
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<i>Q</i>			RECLAMATION STANDARDS: CONTEMPORANEOUS RECLAMATION	GS-Mod-Q (Rev. 03/26/2003)
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?	NA
	b		Describe the alternate schedule	
6			Are all areas ready to be reclaimed currently undergoing reclamation?(If YES or NA go to 7.; otherwise go to a.)	Yes
	a		a. Acreage affected?	
	b		b. Acreage reclaimed?	
7			If permit includes auger mining on an existing AML highwall, does the permit require complete elimination of that highwall?	Yes
8			Comments (Please designate question #(s) being commented on)	

R					ENFORCEMENT: OFF-SITE IMPACTS	GS-Mod-R (Rev. 03/26/2003)
	1				1. Was Site free of Off-Site Impacts? (If NO, complete a- c; Otherwise end)	Yes
		a			a. Number of Impacts?	

R	ENFORCEMENT: OFF-SITE IMPACTS										GS-Mod-R (Rev. 03/26/2003)										
	Element	Type Land Instability	Blasting	Surface Water	Ground Water	Flooding	Encroachment	Sediment	Public Roads	Other (comment)											
b	IMPACT ASSESSMENT																				
												Were people affected by?									
												Impact? (Minor, Moderate, Major)									
												Reparable?									
												Mitigated?									
												Was air improved?									
												Impact? (Minor, Moderate, Major)									
												Reparable?									
												Mitigated?									
												Was land improved?									
												Impact? (Minor, Moderate, Major)									
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												Extent									
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												Impact? (Minor, Moderate, Major)									
												Reparable?									
												Mitigated?									
												Stream Length									
												Was ground water improved?									
												Impact? (Minor, Moderate, Major)									
												Reparable?									
												Mitigated?									
												Number of users									
												Were structures improved?									
												Impact? (Minor, Moderate, Major)									
												Reparable?									
												Mitigated?									
Number of structures																					
2	Comments (Please designate question #(s) being commented on)																				

Unresolved Study Issues Status

TOPICAL REPORTS STATUS (Action Necessary)				
RECOMMENDATION	REPORT TITLE	REPORT DATE	STATUS	COMMENTS
2. Recommend Maryland assure the hydrologic reclamation plan specifically addresses the four criteria found in COMAR 26.20.02.13N.	Maryland PERFORMANCE MONITORING STUDY	EY2002		6/12/03 - MDE agreed to either modify the application module III (item 8) to mention the four criteria specifically, or revise the findings document to include that the four criteria have been addressed. MDE will notify OIO when one or the other of these actions has been taken. This will resolve this issue.
<p>1. Recommend Maryland assure that all requirements of COMAR 26.20.21.09A. are met regarding retaining reports at or near the mine site that certify that inspections have been made during specified critical construction phases of impoundments. (See <u>Impoundment Construction Data</u> finding).</p> <p>2. Recommend Maryland assure that “as-built” certifications containing the four specific statements required by COMAR 26.20.21.09 B. be required and retained. (See <u>Certifications and Inspections</u> finding)</p> <p>3. Recommend Maryland assure that all discussion items required in the annual impoundment inspection report are included per COMAR 26.20.21.09 C.2. (See <u>Certifications and Inspections</u> finding)</p> <p>4. Recommend Maryland assure that operators provide a demonstration that all standards required in COMAR 26.20.21.10A. will be met prior to approving the retention of permanent impoundments. (See <u>Certifications and Inspections</u> finding)</p> <p>5. Recommend that Maryland assure the blasting plan required under COMAR 26.20.02.13F. contain all required information, including types and amounts of explosives, descriptions of equipment to be used in monitoring blasts, information with regard to setting limitations for air blast and ground vibration, and that any required blast designs include discussion of design factors used to protect the public. (See <u>Explosives Use, Blasting Plan</u> finding)</p>	Maryland Performance Monitoring, Blasting, and Drainage Control Study	EY2003		

TOPICAL REPORTS STATUS (Action Necessary)				
<p>2. Recommend Maryland assure the persons certifying the annual progress map meet all legal licensing requirements for work involved, including those requirements enforced by the State Board for Professional Land Surveyors.</p>	<p>MARYLAND ANNUAL REVIEWS AND PERMIT RENEWALS</p>	<p>EY2003</p>		<p>5/13/03 – MDE letter indicating review is ongoing for changes to section 15-508(b)2 of Maryland law.</p>
<p>1. Recommend Maryland develop petition forms for use in the designation process to address requirements of COMAR 26.20.11.03B. and 26.20.11.10B, as well as forms as necessary for advertisement, publication, review, and determination of petitions.</p> <p>2. Recommend Maryland develop a system to consolidate and reference on-hand material and obtain additional reference material as needed to establish a database containing information required by COMAR 26.20.11.09.</p> <p>3. Recommend Maryland develop a plan for updating reference materials to provide current site-specific information necessary to make the determinations required by COMAR 26.20.11.08</p>	<p>LANDS UNSUITABLE</p>	<p>EY2004</p>		

Maryland ARC Program Amendments Status

Admin Record Number/Item	CATEGORY/ ASSESSMENT ¹	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
<p>EPACT 30 CFR Part 732 Letter 6/7/96. MD-574-00 (SPATS #MD-049)</p>	<p>2C</p>	<p>6/7/96 - A 732 letter was sent to Maryland requiring changes to permit application PHC=s, prompt replacement of water supplies, and planned subsidence controls, etc to comply with the Energy Policy Act of 1992, Public Law 102-486.</p>	<p>8/16/96 - Letter dated 7/25/96 received from BOM providing side-by-side analysis of Energy Policy Act 9/30/97 - Letter from OSM to MDE on revisions needed 1/6/98 – MDE Letter dated 12/16/97, \received providing a tentative schedule for the submission of an informal amendment 4/6/98 – MDE Letter dated 1/31/98, received providing tentative schedule for submission of informal amendment. Anticipated submission is 10/1/98. Md. Reg. As written is more stringent than the Federal reg. And will need approval by the Governor’s office. 4/12/01 - Informal submission of program amendment received by OSM 6/18/01-received solicitor’s comments. Minor changes needed. Arrange for meeting on 6/21/01 with MDE and SOL. 6/29/01 – OSM letter to MDE stating 6 items that should be addressed for informal submission. 7/27/01 – Discussion between HQ and solicitors regarding State proposed resolution to item #5 of 6/29 letter. 1/10/02 – Waiting response from MDE attorney re: questions on term “owners of interest” in Maryland Code 15-608. 7/23/02 – Asked Interior solicitors to coordinate w/MDE attorney re: proposed def’n of “owners of interest”. 9/11/02 – Memo from OIO to MDE requesting formal program amendment submittal 10/24/02 – OIO received formal amendment proposal – undergoing review. 1/16/03 – Formal amendment published in Federal Register. (comments due 2/18/03) 2/18/03 – No comments received. Coordinating 2 changes needed w/MDE. 3/10/03 – Maryland submitted necessary changes. Letter sent to EPA for comment. 3/13/03 – No comment from EPA – GJR surnamed for transmittal to HQ for final publication FR.</p>	<p>Track to implementation in Maryland Register</p>	

¹ 1-Critical 2-Moderately Important 3-Not Needed A-Fed/State differ B-Substantial action C-No problems

Admin Record Number/Item	CATEGORY/ASSESSMENT ¹	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
			<p>4/29/03 – Final publication in FR</p> <p>7/2/03 – Received FAX from S. Layton re: changes State Asst. AG wants made to rules approved and published in FR by OSM. – Coordinating review w/Steve Barclay</p> <p>7/15/03 – Discussed proposed changes w/solicitors –Several of the changes proposed by AG would require re-publishing in FR and soliciting public comment, etc.</p> <p>3/19/04 – Maryland Register publication requesting comments on proposed amendment by 4/19/04. Formatting changes reviewed by OSM found to be acceptable.</p>		

Admin Record Number/Item	CATEGORY/ASSESSMENT ²	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
<p>OWNERSHIP & CONTROL <i>30 CFR Part 732 Letter.</i> No Admin Record #</p>	<p>2</p>	<p>Federal Regulation changes at 30 CFR Parts 701, 773, 778, 840, and 843 (59 FR 54306) concerning ownership and control.</p>	<p>Prepared a 732 letter and side-by-side analysis. As a result of a recent court case, we were advised by the Solicitor=s Office not to send any letters to either Maryland or Ohio.</p> <p>12/00 - New rules published</p> <p>1/10/02 - No change. No further instructions. Advised by J.Taitt to wait on new 732 letter from headquarters.</p> <p>12/10/03 – New OC rules under consideration</p> <p>06/03/04 - The comment period is closed on the proposed rule (NMA settlement rule). Comments have been summarized and options paper prepared.</p>	<p>On Hold Pending HQ re-issuance of 732 letters</p>	<p>On Hold Pending HQ re-issuance of 732 letters</p>

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Admin Record Number/Item	CATEGORY/ ASSESSMENT ³	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
<p>VARIOUS ISSUES -- 30 CFR Part 732 Letter 7/8/97. SPATS# MD-046 (INF) and MD-048 MD-577-00</p>	<p>2C</p>	<p>Federal regulation changes from 1989 to date, per HQ. (Definitions, Termination of Jurisdiction, Permitting Requirements, Bond release requirements, performance standards, inspection/enforcement procedures)</p>	<p>7/8/97 - Letter, from OSM to MDE requesting a program amendment 9/24/99 - Informal amendment received covering all requested changes except for two areas dealing with the design of siltation structures and compliance with NRCS TR-60 that deals with siltation structures. 3/20/00 - Response letter to MDE that identifies three revisions needed as part of another submission before the amendment could be processed further. 4/17/00 - Formal Program amendment submission received 4/28/00 - Federal Register Notice, MD-046-FOR, Maryland Program amendment, pages 24897-24899 published 9/8/00 - Letter received from MDE re: changes to MDE regs in response to review comments by OSM on Inspection freq. 10/4/00 - Proposed regs published in Fed. Reg 6/18/01 - Federal register notice published for final rule program approval for definitions, termination of jurisdiction, permitting requirements, bond release requirements and performance standards. 1/10/01 - Remaining issue deals with the design of class b and c impoundments. MDE has submitted Md-048-inf (SPATS#) being reviewed by sol. Office. 9/13/01 - MD-048 letter sent to MDE on August 30 with corrected letter sent on 9/13/01 commenting on suggested changes made to amendment submission 9/20/01 – Meeting held w/SOL and PSD. MDE has concern about direct incorporation of TR-60 reference beyond reference in 378 Pond Design manual. 9/26/01 – SOL email re: need for direct reference to class impoundments 2/14/02 – OIO letter reiterating need for direct reference to NRCS technical release TR-60 3/22/02 – Proposed State regulations for SPATS #46 published in Maryland Register (FR32743; 6/18/01) approval of the "various issues" program amendment. 3/27/02 – MDE letter providing informal submission to directly reference TR60 7/23/02 – Under review by Interior Solicitors 8/14/02 – Memo to MDE commenting on informal submission and requesting formal submission 9/19/02 – Memo from MDE w/resubmission of informal amendment 10/28/02 – Memo from OSM requesting formal submission 12/9/02 – Received formal amendment from Maryland</p>	<p>Track to implementation in Maryland Register</p>	

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Admin Record Number/Item	CATEGORY/ ASSESSMENT ³	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
			<p>3/25/03 –publication in FR for public comment (comment period ends 4/24/03)</p> <p>5/13/03 – Final rule being prepared for publication in FR</p> <p>6/26/03 – Final amendment approval to RD for signature and send for pub. in FR</p> <p>7/17/03 – OSM Final publication in the Federal Register</p> <p>3/19/04 – Maryland Register publication requesting public comment by 4/19/04. OSM Programmatic review of minor format changes completed and changes found acceptable.</p>		

Admin Record Number/Item	CATEGORY/ ASSESSMENT ⁴	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
Valid Existing Rights MD-583-00	2C	12/22/00 - 732 letter sent to MDE dealing with required changes to the Maryland program as per the 12/17/1999 federal register for VER rules	<p>8/22/00 – Letter to MDE regarding Valid Existing rights and subsidence from underground mining issued under 30 CFR 732.17(d) 60 day letter</p> <p>11/20/00 - MDE letter dated 11/13/00 requesting additional time to submit information pending the results of a lawsuit challenging OSM=s final rules.</p> <p>12/20/00 – OSM letter to MDE requesting a description of proposed amendment and time frame for submittal</p> <p>3/19/01 – Letter received from MDE re: VER. Dated 3/7/01. MDE feels that their REGS. For VER are as effective as the Federal regs. and request concurrence.</p> <p>5/04/01 – OSM and MDE began working on side-by-side</p> <p>1/10/02 – Completed side-by-side shows program amendments required.</p> <p>7/03/02 – MDE re-doing side-by-side – Needs to make a decision whether to submit the amendment and/or provide a time frame for submittal; or confirm per their 3/19/01 letter that they see no need for an amendment.</p> <p>3/20/03 – No change from 7/3/02.</p> <p>5/13/03 – Meeting held 5/7/03 to discuss side-by-side findings. MDE will consider sending memo stating that, per their current program definition of VER, there can be no VER in Maryland at this time or in the future. This may be sufficient to accept their current program as more stringent than OSM’s.</p> <p>7/3/03 – Letter dated 6/23/03 from MDE stating reasons why no program change is required for VER.</p> <p>9/9/03 – After further review and discussion among BOM, Solicitor, and programmatic, BOM unable to formally assure there are no permit sites originally permitted prior to 1977 or roads in existence prior to 1977 which could qualify for VER. Memo to this affect pending issuance by OSM.</p> <p>9/30/03 – OSM memo sent to BOM specifying 5 areas where program does not meet VER requirements</p> <p>1/7/04 – MDE letter submitting informal amendment</p> <p>2/10/04 – Side-by-side completed by OSM</p> <p>3/16/04 – Final comments from PFD to PSD</p> <p>3/31/04 – OSM memo to MDE commenting on informal submission</p> <p>5/18/04 – Formal amendment proposal received by OSM via 5/4/04 MDE letter.</p> <p>5/27/04 – Draft FR sent to HQ for publication requesting comment</p> <p>7/19/04 - FR publication requesting public comment by 8/18/04</p>	Publication of final approval of amendment in FR	

Admin Record Number/Item	CATEGORY/ ASSESSMENT ⁵	Description/Issue	Most Recent Actions	Next Step (Include Target Date)	Remarks
<p>MD-585-00 (SPATS MD-051) Augering, Lands Eligible, Written Findings, Topsoil Handling</p>	<p>2C</p>	<p>1. <u>Augering</u> (COMAR, 26.20.03.07, A. and B.) – change prompted by recommendation contained in EY2000 <u>Maryland Permit Findings</u> topical study. Revision makes Maryland regulations consistent with 30CFR785.20(c) by requiring a written finding before augering operations may be conducted.</p> <p>2. <u>Lands Eligible for Remining</u> (COMAR 26.20.03.11, A., B., (1), (2), C., and D.) – change prompted by recommendation in EY2001 <u>Maryland Remining</u> topical study. revision makes Maryland regulations consistent with 30CFR3.</p> <p>3. <u>Required Written Findings</u>, (COMAR 26.20.05.01, A., B., C., L., (1), (2), and (3))- change prompted by recommendation contained in EY2001 <u>Maryland Remining</u> topical study. Revision makes Maryland regulations consistent with 30CFR773.15. 785.25.</p> <p>4. <u>Topsoil Handling</u> (COMAR 26.20.25.02 D.) – proposed revision made to mirror 30CFR 816.22(d)(4). The proposed wording of COMAR is identical to 30CFR</p>	<p>9/16/03 – Formal submission of program amendment by BOM 9/25/03 – OSM letters to affected agencies requesting comment 10/25/03 – Agency comment period expired (two comments received) 10/27/03 – Fed. Reg. publication requesting public comments 11/26/03 – Public Comment period expired (one comment received) 12/4/04 – analysis of proposal and comments prepared and forwarded to PSD. 3/11/04 – FR publication approving amendment</p>	<p>Track to implementation in Maryland Register.</p>	
<p>MD-586-00 (SPATS MD-053-FOR) Time to review permit applications</p>	<p>2C</p>	<p>1. Changes to Maryland Code 15-505(d)(6) and (7)(I),1,2,A, B and (III). Requires action on permit applications within a certain time frame</p>	<p>1/7/04 – Formal submission of program amendment by BOM 2/2/04 – Request by OSM for Federal agency comment. 2/11/04 – side-by-side prepared by OSM 3/11/04 – FR publication requesting public comment on proposed amendment 3/20/04 – PFD comment to PSD on draft FR approval of amendment 5/25/04 – HQ received draft FR approving amendment proposal 6/17/04 – FR publication approving amendment</p>	<p>Track to Implementation in Maryland Register</p>	