



U. S. DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
**DIRECTIVES SYSTEM**

Subject Number:

TSR-12

Transmittal Number:

619

Date:

JUN 19 1990

Subject: POST-ACT RECLAMATION PROGRAM

Approved: *[Signature]*

Title: DIRECTOR

1. Purpose. This directive sets forth the responsibilities and procedures for the administration of the Post-Act Reclamation Program. This program is created for the reclamation of lands adversely affected by coal mining practices after August 3, 1977.

2. Summary. This directive provides policy and procedures for the use of monies collected in payment of Federal Civil Penalties levied under section 518 of the Act. It provides guidance in the implementation of 30 CFR 845.21 which allows the reclamation of lands that, were mined, abandoned, or left inaequately reclaimed since passage of the Act and which are ineligible for Abandoned Mine Lands Reclamation funds.

3. Definitions.

a. Eligible Project - Lands adversely affected by coal mining practices after August 3, 1977, which meet the criteria of this directive.

b. Federal Civil Penalty Account - A special account for moneys collected pursuant to the payment of Federal civil penalties under section 518 of the Surface Mining Control and Reclamation Act (the Act).

c. Post-Act Reclamation Program - The program established by this directive to implement the reclamation of eligible projects financed through the Federal Civil Penalty Account.

4. Policy/Procedures.

a. Policy.

(1) Moneys collected pursuant to the payment of Federal civil penalties under section 518 of the Act shall be used for the reclamation of lands adversely affected by coal mining practices after August 3, 1977.

(2) Projects funded under the Post-Act Reclamation Program must meet the criteria of this directive.

(3) All projects funded under this directive are government-financed construction.

(4) Any bond associated with the disturbed area must have been released, or forfeited and expended. If a bond has been forfeited but not expended, it must be applied to any work to be done. A written commitment from the holder of the bond to that effect is required.

(5) Civil penalty funds authorized for use by this directive shall be made available through Federal contracts and the grant and cooperative agreement process as identified in the Federal Assistance Manual (GTM-10-1, Part 5).

b. Responsibilities.

(1) The Deputy Director, Operations and Technical Services is responsible for final selection of eligible projects and authorization of funds. A listing of approved projects, in order of priority, and funding amounts will be sent to the Chief, Division of Budget, Planning and Management Analysis.

(2) The Assistant Directors, Eastern and Western Field Operations are responsible for: (a) submission of a priority ranking of eligible projects 30 days after the beginning of each fiscal year and emergencies as they are identified, to the Deputy Director, Operations and Technical Services for approval; (b) insuring that the grant or cooperative agreement applications are reviewed and processed up to final award so that final award may take place as funds become available; and (c) maintenance of a tracking system of Civil Penalty projects.

(3) The Assistant Director, Finance and Accounting is responsible for: (a) the accounting of funds collected pursuant to the payment of civil penalties; (b) reporting them in the monthly Fund Status Report and Receipt Transaction Detail Report; (c) notifying the Deputy Director, Operations and Technical Services and the Chief Budget, Planning, and Management Analysis Division quarterly or more frequently of funds available for project construction and (d) accounting for the disbursement of funds.

(4) The Chief, Division of Budget, Planning and Management Analysis is responsible for: (a) ensuring that civil penalty funds are apportioned by the Office of Management and Budget; and (b) establishing an Advanced Budget and Accounting Information System account and financial plan.

(5) Field Office Directors are responsible for: (a) identifying eligible sites to the Assistant Directors, Eastern and Western Field Operations; (b) assisting States in preparing applications for grant/cooperative agreements; (c) verifying the accuracy and completeness of grant/cooperative agreement application information; and (d) implementation and monitoring of eligible projects.

c. Procedures.

(1) Field Offices

(a) Identify problem sites.

(b) Ensure that all pertinent information for a grant/cooperative agreement application is completed in accordance with GMT-10-1, Part 5-10, "Application Process", prior to forwarding to the Assistant Directors, Eastern and Western Field Operations.

(c) Review grant/cooperative agreement applications for completeness in accordance with GMT-10-1, Part 5-20, "Application Review."

(d) The following information must also accompany the grant/cooperative agreement packages submitted to the Assistant Directors, Eastern and Western Field Operations:

- o Statement of litigation status;
- o Proof of Post-August 3, 1977, mining for each project;
- o Priority and justification (See 30 CFR 845.21);
- o Reclamation cost estimate, including the value of remaining coal resources, if any; and
- o Amount of existing bond, if any.

(e) Submit complete package to Assistant Directors, Eastern and Western Field Operations.

(2) Assistant Directors, Eastern and Western Field Operations

(a) Administratively review and evaluate the grant/cooperative agreement application identified in c.(1)(b).

(b) Submit grant/cooperative agreement applications annually, 30 days after the beginning of the fiscal year, and emergencies as they are identified, to the Deputy Director, Operations and Technical Services for approval.

(c) Implement and maintain a tracking system for civil penalty reclamation projects.

(3) Chief, Division of Budget, Planning, and Management Analysis

(a) Request that civil penalty moneys be apportioned by the Office of Management and Budget based on estimated receipts and expected needs for the fiscal year;

(b) Prepare necessary suballotment forms for signature by the Deputy Director, Operations and Technical Services as funds accumulate in the amount needed for award of individual projects; and

(c) Establish a financial plan by entering the approved funding authority in Advanced Budget/ Accounting Control and Information System.

(4) Assistant Director, Finance and Accounting

(a) Account for funds collected pursuant to the payment of civil penalties by recording the amount received in the Federal Civil Penalty Account;

(b) Report civil penalties collected as part of the monthly Fund Status Reports and Receipt Transaction Detail Report, or more frequently as required;

(c) Employ accounting and tracking procedures to clearly distinguish expenditures under the Federal Civil Penalty Account from expenditures under other programs;

(d) Notify Deputy Director Operations and Technical Services and the Chief, Division of Budget, Planning, and Management Analysis quarterly, or more frequently, of available project funds;

(e) Account for disbursement of civil penalty funds;  
and

(f) Monitor fiscal aspects of the grant awards.

5. Reporting Requirements.

a. All grants/cooperative agreements funded under the Post Act Reclamation Program will be closed out in accordance with GTM-10-1, Part 5-70, "Closeout Policy and Procedures."

b. The Assistant Directors, Eastern and Western Field Operations shall prepare written reports to the Deputy Director, Operations and Technical Services quarterly for cooperative agreement and semi-annually for grants describing their activities under the Post-Act

Reclamation Program and updating their annual priority ranking list if necessary.

6. References.

- a. Subsections (g) and (h) of Section 3679 of the Revised Statutes (31 U.S.C. 665), Anti-Deficiency Act as amended.
- b. OSM directive FIN-5; Administrative Control of Funds.
- c. Department of the Interior, Departmental Manual, Part 328; Administrative Control of Funds.
- d. Thirty CFR 845.21, Surface Mining and Reclamation Operations: Permanent Program Inspection and Enforcement Procedures: Civil Penalties: Use of Civil Penalties for Reclamation, May 4, 1988.
- e. OSM directive GMT-10-1, Federal Assistance Manual, Part 5, Grants and Cooperative Agreements.

7. Effect on Other Documents. This directive supersedes Temporary Directive 89-11, Extension of Post-Act Reclamation Program.

8. Effective Date. Upon issuance.

9. Contact. Division of Technical Services (202) 343-1480.

10. Keywords. Civil Penalty; Reclamation; Post-Act.

11. Appendices. None