

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report

for the

Regulatory and Abandoned Mine Land Reclamation Programs

Administered by the State

of

ALABAMA

for

Evaluation Year 2003

October 1, 2002 to June 30, 2003

July 2003

EXECUTIVE SUMMARY

During the 2003 Evaluation Year (EY), the Office of Surface Mining (OSM), Birmingham Field Office (BFO), conducted oversight evaluations of the Alabama Surface Mining Commission (ASMC) and the Alabama Department of Industrial Relations (ADIR), the State coal mine regulatory and abandoned mine land (AML) program agencies, respectively. The oversight studies focused on the success of these agencies in meeting the Surface Mining Control and Reclamation Act's goals for environmental protection and prompt, effective reclamation of land mined for coal. An evaluation (performance) plan for each agency was cooperatively developed by the BFO and the State to tailor the oversight activities to the unique conditions of each State program. The purpose for the oversight activities was to identify the need for and then provide financial, technical, and other program assistance to the State to strengthen its programs. The performance period for EY 2003 was reduced from 12 to nine months to accommodate acceleration of the dates that annual OSM performance and accountability reports are due to the Office of Management and Budget and to Congress. The EY 2003 performance period covered the time period of October 1, 2002, through June 30, 2003.

In support of OSM's national initiatives, studies were conducted in the areas of offsite impacts, reclamation success, and customer service.

- The offsite impacts study indicated that 92 percent of Alabama's inspectable units were free from offsite impacts. The number of offsite impacts has continued to decline with 39 offsite impacts identified during Evaluation Year 2001, 27 in 2002, and 25 in 2003 (represents nine months of data). Data on offsite impacts were collected during BFO inspections and from State inspection reports and Notices of Violation.
- The BFO's review of 16 bond release actions demonstrated that ASMC continues to follow all program requirements for releasing bonds.
- The BFO's customer service review concentrated on ASMC providing public notice regarding the permit process and providing an opportunity to the public and other interested parties to be involved in the permit approval/disapproval process. Based on this review, the BFO has determined that ASMC is meeting the requirement for insuring that permit renewals and new permit applications are made available for review and comment to the public and other interested parties.

General oversight topic reviews were conducted for both the State regulatory and abandoned mine land programs.

- The BFO conducted a study to evaluate ASMC's groundwater and surface water monitoring programs. During this study, several measures were taken by the ASMC to strengthen the groundwater monitoring program. These measures have included contacting permittees to obtain missing quarterly monitoring reports and the replacement of wells which had been destroyed without approved waivers. The ASMC usually initiated the enforcement process for problems identified with surface water monitoring which included: improper

maintenance or function of a structure, discharge exceeding effluent limitations, or the timely submission of monitoring reports. The monitoring data and discharge data gathered by the inspection staff usually correlated with the data contained in the baseline data sets.

- A study was conducted concerning adherence to the State mining regulations pertaining to the use of explosives. A review of blasting reports maintained at permit sites revealed that the permittees retained records of all blasts conducted for the past three years; however, the records were not always complete. The study results indicated that a revised blasting record form should be developed to assure consistency and completeness of the blasting records, and that blasting record reviews should be conducted by ASMC staff during routine inspections to ensure that all data is available for verification of blasting compliance.
- The BFO conducted a study to evaluate ASMC's process in determining whether a prospective permit would disturb jurisdictional wetlands and how identified wetlands were protected or mitigated. In the majority of the permit files reviewed, consultation activities with appropriate State and Federal agencies regarding potential wetlands were documented. Based on documentation in the remaining permit files, several recommendations were discussed with ASMC to enhance the identification of wetlands and provide protection or mitigation of identified wetlands. These recommendations included: (1) continued consistent consultation with U. S. Army Corps of Engineers whenever the U. S. Fish and Wildlife Service (USFWS) indicated potential wetlands; (2) the inclusion of an accurate description of the consultations with USFWS and the Alabama Department of Conservation and Natural Resources in permit and revision applications; (3) provision of additional training to ASMC staff regarding wetland indicators; (4) the revision of pre-issuance inspection forms to include the collection of information on areas that may meet wetland criteria; and, (5) the inclusion of consultation activities relative to wetlands in permit and revision findings.
- A study to evaluate the accuracy and completeness of Alabama Abandoned Mine Land Inventory System (AMLIS) entries was conducted by the BFO. The review concluded that ADIR is maintaining its AML inventory system in a manner that provides accurate and complete data into AMLIS.
- A review of ADIR's screening process of successful bidders for AML reclamation project contracts and a determination that ADIR awards contracts only to those that are eligible to receive Federal funds was conducted by the BFO. The review concluded that ADIR has procedures in place to assure that AML contracts are only awarded to responsible contractors. Prior to the award of AML reclamation construction contracts, ADIR screens each successful bidder through OSM's Applicant Violator System to assure that they are eligible to receive Federal funds.
- The BFO conducted an evaluation of ADIR's long-term reclamation success. The study concluded that long-term reclamation success was achieved on projects examined. All project goals and objectives had been met, and all AML features on the projects were reclaimed and remain stable.

In addition to national initiative reviews and topical studies, the BFO engaged in activities that provided assistance to ASMC or ADIR.

- ASMC requested assistance on March 24, 2003, with the review of two permit revisions involving a variance of the cover material depths for coal waste disposal areas. Comments regarding the two revisions were provided to ASMC on April 24, 2003, and on May 2, 2003.
- The BFO performed a follow-up analysis of the EY 2002 study of the Walker County Soil and Water Conservation District Board's revegetation costs. The analysis revealed that there appeared to be little difference in costs or quality of initial revegetation on contractor revegetated completed projects and the Board's revegetation of completed contractor projects. The analysis did indicate, however, that the Board continues to have significantly lower costs for initial revegetation on their own "start-to-finish" projects, and that this revegetation continues to be of high quality.

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LIST OF ACRONYMS USED IN THE REPORT

ADCNR - Alabama Department of Conservation and Natural Resources
ADIR - Alabama Department of Industrial Relations
AML - Abandoned Mine Land
AMLIS - Abandoned Mine Land Inventory System
AOC - Approximate Original Contour
ASMC - Alabama Surface Mining Commission
AVS - Applicant Violator System
BFO - Birmingham Field Office
Board - Walker County Soil and Water Conservation District Board
CSL - Clogged Stream Lands
Corps - U. S. Army Corps of Engineers
EY - Evaluation Year
MCRCC - Mid-Continent Regional Coordinating Center
MSHA - Mine Safety and Health Administration
NEPA - National Environmental Policy Act
NOV - Notice of Violation
NPDES - National Pollutant Discharge Elimination System
OHA - Office of Hearings and Appeals
OSM - Office of Surface Mining
Rules - Rules of the Alabama Surface Mining Commission
SMCRA - Surface Mining Control and Reclamation Act
USFWS - U. S. Fish and Wildlife Service

I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining (OSM) in the U.S. Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide Federal funding for State regulatory and abandoned mine land programs that have been approved by OSM as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Alabama Regulatory and Abandoned Mine Land (AML) Programs and the effectiveness of the Alabama programs in meeting the applicable purposes of SMCRA as specified in section 102. These programs are administered by the Alabama Surface Mining Commission (ASMC) and the Alabama Department of Industrial Relations (ADIR). This report covers the period of October 1, 2002, to June 30, 2003. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at OSM's Birmingham Field Office (BFO), 135 Gemini Circle, Suite 215, Homewood, AL 35209.

II. OVERVIEW OF THE ALABAMA COAL MINING INDUSTRY

Alabama is ranked 15th in coal production among coal-producing States. The majority of Alabama's coal is ranked high-volatile A bituminous. Moderate amounts of low and medium-volatile A bituminous coal also exist. The coal is generally of good quality, and most beds have low percentages of sulfur and ash.

Alabama has four coalfields that are part of the great Appalachian coal basin - the Plateau field, the Warrior field, the Cahaba field, and the Coosa field. Alabama's total coal reserves have been estimated at 4.8 billion tons. A total of 3.1 billion tons is estimated as recoverable reserves (.73 billion ton is recoverable by underground mining, i.e., overburden of greater than 120 feet; and 2.4 billion tons are recoverable by present strip mining techniques, i.e., overburden less than 120 feet). A total of 9,700 square miles of the State is underlain by coal. Coal is the most abundant and important mineral resource in the Warrior, Cahaba, and Coosa fields. The great majority of coal mined today is in the Warrior field. The Plateau field, with a greater area than all the other coalfields combined, has attracted little commercial mining. The coal mined in Alabama is used principally for electric power generation. Other uses include methane gas recovery and coke production.

Lignite also occurs in the Coastal Plain of Alabama in irregularly-shaped deposits that may be discontinuous and highly variable in thickness. Deposits of lignite have been identified from Sumter and Choctaw Counties in the west to Barbour and Henry Counties in the east. Lignite has potential use as an industrial fuel, fuel for steam electric generating facilities, and for gasification. There is no current lignite mining in the State.

Coal is recovered by both surface and underground mining techniques. Surface mining in Alabama includes auger, contour, and area methods. Room and pillar and longwall

methods are used for underground mining. Prior to 1986, surface mining predominated; since that time, underground mines have accounted for the majority of the coal recovered. For calendar year 2002, 79 percent of the coal mined was by underground mining (tonnage recovered by underground mining – 14,845,000; tonnage recovered by surface mining – 4,001,000; see Table 1). Underground mining operations employed 2,636 people while surface mining operations employed 560 people as of March 31, 2003.

As of June 30, 2003, 38 permitted surface mines, eight permitted underground mines, and three preparation and loading facilities were actively producing coal in Alabama. Production reports show that bituminous coal was produced in ten Alabama counties: Cullman, Fayette, Franklin, Jackson, Jefferson, Marion, Shelby, Tuscaloosa, Walker, and Winston. Approximately 74 percent of the mine sites are located in Jefferson, Tuscaloosa, and Walker Counties.

III. OVERVIEW OF PUBLIC PARTICIPATION OPPORTUNITIES IN THE OVERSIGHT PROCESS AND THE STATE PROGRAMS

Opportunities for public participation occur at significant points in the Alabama regulatory program and involve the ability of the public:

- To initiate rulemaking;
- To initiate civil suits;
- To request that areas be designated as unsuitable for mining;
- To review permit and revision applications;
- To object to proposed bond releases; and,
- To request an inspection of a mine site.

Monthly meetings of the Alabama Surface Mining Commission are open to the public.

Opportunities for public participation in the Alabama AML Program occur at the time of:

- Project selection;
- Consultation under the National Environmental Policy Act (NEPA);
- Grant application review;
- Obtaining right of entry documents;
- Management and disposal of land acquired by the AML Program;
- Obtaining a stormwater drainage permit; and,
- Securing amendments to the State Reclamation Plan.

On July 16, 2002, letters were sent to 19 Federal and State agencies and environmental organizations to alert the public of the opportunity for involvement in the BFO's oversight process. In the letter, recipients were asked to provide the BFO with any questions, issues or concerns that could be addressed in oversight studies. No responses to these letters were received.

IV. MAJOR ACCOMPLISHMENTS/ISSUES/INNOVATIONS IN THE ALABAMA PROGRAM

Alabama Regulatory Program

ASMC continued to successfully administer its regulatory program during Evaluation Year (EY) 2003 to achieve the goals identified in section 102 of SMCRA. The BFO conducted regulatory program studies and engaged in assistance activities to characterize the success of the State's program and to provide assistance in specific areas.

During the evaluation year, ASMC issued seven (7) new permits and nineteen (19) permit renewals. ASMC approved one operation under the 16 2/3 permitting exemption where the annual production of coal will not exceed 16 2/3 of the tonnage of coal and other commercially viable minerals to be extracted. Forty-one (41) permit revisions and one (1) incidental boundary revision were approved. Twelve (12) permit transfers were submitted, and eight (8) approved. ASMC processed twelve (12) notices of intent to explore. Two applications for Small Operator Assistance were received, and one (1) was approved. A total of 2,158 inspections were conducted, including 1,886 complete inspections (including 153 inspections on exploration notices of intent to mine) and 272 partial inspections. Ninety-two (92) Notices of Violation (NOV), representing 125 violations, and seven (7) Cessation Orders, with a total of thirteen (13) violations, were issued (not including vacated violations).

OSM and ASMC continued efforts to obtain reclamation at four illegal mining sites operated by Mr. Johnny Cupps. Coal mining without valid permits by Mr. Cupps has resulted in the issuance of Federal imminent harm cessation orders, a U. S. Department of the Interior suit filed against Mr. Cupps, a preliminary injunction against Mr. Cupps, four contempt citations, and a final judgment. After these legal actions, Mr. Cupps continued to mine coal without a permit and was cited by the State at an additional location. Because of failure to comply with the Federal orders, Mr. Cupps was incarcerated from April through July 2002, and was only released upon agreement that he would submit reclamation plans for the four sites and begin reclamation of the Elvester Baptist Church site. A settlement agreement requiring reclamation of all four illegal mine sites was signed on September 26, 2002. Mr. Cupps started reclamation at the Elvester Baptist Church site during the fall and winter of 2002, but the work did not fully comply with the approved reclamation plan. No reclamation measures have been performed at the Elvester site or any of the other three illegal mine sites since that time. OSM and ASMC are monitoring reclamation activities performed by Mr. Cupps and are pursuing actions to assure that the provisions of the settlement agreement are met.

On December 2, 2001, OSM received an application for review under 30 CFR Part 865 from Mr. Marshall Bussey, alleging discrimination by his employer for participation in protected activities. Mr. Bussey's employer was Johnny Cupps. Mr. Bussey believed that the discriminatory actions occurred because he provided information on Cupps' unpermitted mining operations to OSM and ASMC, and testified before the ASMC

Division of Hearings and Appeals on a matter related to Mr. Cupps' unpermitted mining operations. After an investigation, OSM accepted Mr. Bussey's application for review and forwarded the investigation results to the Office of Hearings and Appeals (OHA), requesting that they hold a hearing on his behalf. A hearing before the OHA was held on February 5, 2003. OSM was represented by the U.S. Department of the Interior, Office of the Field Solicitor. The respondent, Mr. Cupps, did not appear at the hearing. A decision on the case was rendered June 12, 2003, with the OHA finding that Mr. Cupps had violated Part 865 by threatening a protected employee and by not paying the wages owed the employee.

Electronic permitting provides for efficient and effective processing of permit applications for both the mine operator and the regulatory authority. Approximately 50 percent of the permit applications received at ASMC were submitted in electronic format.

Alabama was awarded civil penalty money to reclaim a four and one-half acre abandoned interim program permitted mine site located on an active cattle farm in Cullman County near the community of Wheat. The site had been partially reclaimed through the ASMC bond forfeiture program, but funds were insufficient for highwall elimination. The remaining highwall and adjoining impoundment posed a danger to the landowner and the community's safety and health. The reclamation successfully reclaimed the 550-foot highwall and adjoining final cut impoundment. Construction on the project was completed April 1, 2003, at a cost of \$18,375.

The BFO has continued to collect information on ASMC's bonding activities to provide an overall general picture of how successfully reclamation is staying current with mining in the State. Through EY 2003, 110,126 acres had been bonded in Alabama for the purpose of coal mining; 78,367 acres had received a Phase I bond release; 51,861 acres had received a Phase II bond release; 51,903 acres had received a Phase III bond release; and, bonds had been forfeited on 11,635 acres.

Alabama Abandoned Mine Land Program

ADIR successfully administered the AML Program during EY 2003 as outlined in the AML Reclamation Plan and policies and procedures established in the annual AML grant. The AML Program completed 18 projects (including 13 emergency projects) during the evaluation year. Pothole subsidence events were the predominant emergency project problem. Reclamation achieved by non-emergency activities included 8,500 linear feet of dangerous highwall, two (2) dangerous impoundments, 25 acres of spoil, and 86 acres of clogged stream lands (CSL). A total of 128 acres (including the CSL and spoil acres) was affected by the reclamation. The 2002/2003 tree-planting program involved the planting of 70,250 pine seedlings and 6,600 sawtooth oak seedlings on 143 acres of four AML projects. The data presented in Table 6 characterizes the status of AML reclamation in Alabama. The data is presented by problem type, showing reclaimed versus unreclaimed figures.

V. **SUCCESS IN ACHIEVING THE PURPOSES OF SMCRA AS DETERMINED BY MEASURING AND REPORTING END RESULTS**

To further the concept of reporting end results, the findings from performance reviews and public participation evaluations are being collected for a national perspective in terms of the number and extent of observed offsite impacts, the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation, and the effectiveness of customer service provided by the State. Individual topic reports are available in the BFO that provide additional details on how the following evaluations and measurements were conducted.

A. Offsite Impacts:

OSM annually evaluates and reports on the effectiveness of ASMC's regulatory program in protecting the environment and the public from offsite impacts resulting from surface coal mining and reclamation operations. Offsite impact data is gathered nationwide in order to portray the on-the-ground success of State programs in preventing or minimizing offsite impacts.

An offsite impact is defined as anything resulting from coal mining that negatively affects resources (people, land, water, structures). The impact must also be regulated or controlled by an applicable State program, must be coal mine related, and must occur outside the area authorized by the permit for conducting mining and reclamation activities. For EY 2003, offsite impact data was collected for the period of October 1, 2002, through June 30, 2003, during the BFO's field inspections and file reviews of State inspection reports, NOV actions, bond releases, and the study of ASMC's surface water monitoring program.

The field and file reviews were conducted to determine if the State properly recorded offsite impacts for the inspectable units reviewed by the BFO. BFO inspections of these units occurred throughout the evaluation year, beginning in October 2002, and ending in June 2003. Of the five inspections performed for the reclamation success study, no offsite impacts were identified. No offsite impacts were identified during the study of ASMC's surface water monitoring program. Of the 31 complete inspections performed, eight offsite impacts were identified. Four of the eight offsite impacts were classified as previously existing; ASMC had previously taken enforcement action to address the observed concerns. All of these offsite impacts had been identified and cited by the State. The examination of the State NOV database and associated hard-copy State NOV's identified an additional 17 offsite impacts not associated with the BFO studies.

Twenty-five offsite impacts were identified on 18 inspectable units. Effects on resources were determined to be major in five cases, moderate in four instances, and minor in 16 cases (See Table 4). The impacts were associated with failure to meet effluent limitations (1), uncontrolled run-off (4), failure to construct or properly maintain diversions (3),

failure to build or maintain basins (6), encroachment (8), failure to follow the operations plan (1), failure to maintain sediment control along a haul road (1), and sediment control measures failure (1).

Offsite impacts associated with Alabama mine sites numbered 39 in EY 2001 and 27 impacts in EY 2002. Twenty-five offsite impacts occurred on 18 inspectable units in EY 2003. Alabama's inspectable units, as of June 30, 2003, totaled 224. Therefore, offsite impacts occurred on a small percentage (8%) of the inspectable units.

Remediation and prevention were addressed for each of the eight offsite impacts identified by the BFO. The following was noted:

- The offsite impacts involving the failure to meet effluent limitations were remediated by treating the water to raise the pH to meet the effluent limits. Prevention of this category of offsite impacts could be accomplished by burying and/or treating all acid/toxic-forming materials. The operator should continue to treat all effluence until all discharge is in compliance.
- The offsite impacts involving uncontrolled drainage (failure to build basins/failure to maintain basins/uncontrolled runoff/failure to maintain diversions/failure to maintain haul roads) were remediated by constructing sediment basins, redirecting runoff into sediment basins, repairing and maintaining sediment basins and diversion ditches. Prevention of this category of offsite impacts could be accomplished by observing permit requirements and performing monitoring and maintenance of sediment ponds and drainage structures. The operator should ensure that all field activities are conducted in accordance with the approved operations plan.
- The offsite impacts involving failure to bond all disturbed acreage were remediated by bonding the disturbed areas. Prevention of this category of offsite impacts could be accomplished by the operator observing requirements that do not allow disturbing areas unless a bond and permit are obtained. In these cases, the problem could have been prevented by the operator installing visible and durable perimeter markers.

While the occurrence of offsite impacts is beyond the control of ASMC, the BFO has concluded from this review that the State is operating its inspection and enforcement program in a manner that discourages offsite impacts and is employing diligence in discovering and citing violations involving offsite impacts as they occur. No instances were noted in which the State inspector failed to take proper enforcement action.

B. Reclamation Success:

ASMC's effectiveness in ensuring successful reclamation through compliance with performance standards relative to bond release was evaluated. A sample of bond releases

reviewed by ASMC after October 1, 2002, was selected for this evaluation. The bond releases reviewed encompassed five permitted sites. This sample included Phase I, II, and III bond releases. The field reviews occurred throughout the evaluation year. All of the sites were reviewed prior to ASMC's approval/denial of the bond release request.

The following parameters were evaluated through field observations and/or review of the State bond release files:

- Phase I - Approximate Original Contour (AOC) achievement
 - Evaluation Method - Onsite inspection and permit file review
- Phase II - Replacement of soil resources, vegetation stability
 - Evaluation Method - Onsite inspection and permit file review
- Phase III - Postmining land uses, successful revegetation, surface water quality and quantity, restoration of ground water recharge capacity, comparison of premining to postmining surface water quality and quantity restoration
 - Evaluation Method - Onsite inspection and permit file review

Phase I

The BFO inspected and conducted permit file reviews on two (2) increments requested for Phase I bond release, totaling 29 acres. These increments were field inspected for AOC achievement, toxic material coverage (where indicated), and the removal of temporary structures and equipment. When indicated, water discharge was tested, toxic material coverage was measured, and topsoil variance compliance was analyzed. A permit file review was conducted to compare the premining/postmining surface and groundwater data and compliance with National Pollutant Discharge Elimination System (NPDES) requirements.

Both of these increments were determined to have met the requirements for Phase I bond release. These increments had achieved AOC and toxic material had been covered when applicable. The permit files reflected a comparison of premining/postmining surface/groundwater quality, compliance records of NPDES monitoring points were on file, and documentation reflected that temporary structures and equipment had been removed.

OSM agreed with ASMC's approval of these Phase I bond release requests.

Phase II

The BFO inspected and conducted permit file reviews on eight (8) Phase II increments representing 84 acres. Onsite inspections were conducted to determine the presence of topsoil or suitable soil replacement, to verify the establishment and presence of approved vegetation, to determine that vegetative success standards were met (80% cover), and to assure that the site was stabilized. A determination was also made that lands were not

contributing suspended solids off the permit and that removal of temporary ponds and diversions was completed. The permit files were reviewed to determine acres of basins approved as permanent water impoundments, the applicability of prime farmland productivity, and the presence of topsoil waivers.

Four (4) increments in this sample met the requirements for a Phase II bond release at the time of initial inspection. These increments reflected suitable soil replacement, adequate and approved species of vegetative cover, and site stabilization (no rills or gullies). All temporary ponds and diversions had been appropriately removed, remaining basins were approved as permanent water impoundments, and reclamation did not contribute to suspended solids off the permit.

Four (4) bond release requests in this sample were denied a Phase II bond release by ASMC based on the initial inspection. Problems observed during this inspection included active erosion; less than 80% vegetative cover on some of the increments; water impounded on a landowner's property; lack of soil density test results; lack of ability to observe permanent vegetation species listed in the permit; and, lack of proven soil productivity. An NOV covering erosion on all four (4) increments was issued by ASMC. Actions taken to abate the violations were evaluated before decisions on the bond releases were made. At the time of the initial inspection, all four (4) increments were denied a Phase II bond release. Subsequent to this initial determination, two (2) of the increments were approved for Phase II bond release, one (1) was denied a bond release, and one (1) bond release request was voided.

OSM agreed in all cases with ASMC's initial determination of approval or denial of these Phase II bond release requests.

Phase III

The BFO inspected and conducted permit file reviews on six (6) increments, totaling 67 acres, for a Phase III bond release. These sites were field inspected for the achievement of postmining land use and successful vegetative cover. The permit files were reviewed to determine the approved postmining land use, the monitoring of the quality of surface and groundwater, and compliance with surface water discharge effluent limits. The permit files were also reviewed to determine that the appropriate liability periods had been met, and that productivity data was adequate.

All increments in this sample were determined to have met the requirements for a Phase III bond release. These increments had achieved postmining land use and vegetative success, and had met water quality standards. Permit files reflected that water leaving the minesite was comparable to or better than pre-mining conditions (where applicable) and that compliance with surface water discharge effluent limits had been verified. In all cases, the liability periods had been met.

OSM agreed in all cases with ASMC’s determination of approval of the Phase III bond release requests.

The BFO determinations were consistent with ASMC’s actions on Phase I, II, and III bond releases on sites inspected in this sample. All increments except for the one (1) increment that was denied bond release appeared to be on track for the stated postmining land use. Based upon this review, the BFO has determined that ASMC’s decisions on approving bond release requests met the requirements of the approved Alabama surface mining program. The table below shows figures for acres bonded, released, and forfeited from 1983 – 2002, and for 2003. The bond release and forfeiture figures for 2003 are also shown in Table 5.

Evaluation Year	Acres Bonded	Phase I Release Acres	Phase II Release Acres	Phase III Release Acres	Bond Forfeiture Acres
1983 – 2002	108,176	73,965	49,178	47,682	10,212
2003	1,950	4,402	2,683	4,221	1,423
TOTAL	110,126	78,367	51,861	51,903	11,635

C. Customer Service:

For EY 2003, the procedures concerning public notice and the opportunity of the public and other interested parties to be involved in the permit approval/disapproval process were selected for review.

A sample of 12 permit and renewal applications received by ASMC during the timeframe of October 1, 2001, through September 30, 2002, was selected for this evaluation. Nine (9) of these applications were for new permits, and three (3) were for permit renewals.

The new permit and permit renewals in this sample were reviewed to determine that: (1) new and renewal permit applications were advertised for four consecutive weeks in a newspaper of local distribution in the area of the proposed mining; (2) local, State, and Federal agencies were notified of the application for a new permit or permit renewal; (3) the new or renewal permit application was made available for review and copying; (4) a minimum of a 30-day comment period was provided between the last date of the advertisement of the permit application or permit renewal and the approval/disapproval of the application; (5) comments and objections to the permit and permit renewal application were considered in the application approval/disapproval process; and, (6) ASMC conducted informal hearings when requested.

The review of the nine (9) applications for new permits revealed the following:

- All had been advertised for the required period and location.
- File documentation verified that all pertinent local, State, and Federal agencies had been notified, and that the new permit applications were made available for review and copying at a local library.
- All permits were issued at least 30 days after the close of the comment period.
- Written comments and/or objections received by ASMC were transmitted to the applicant, and all comments and/or objections were addressed by ASMC. Examples of resolution of comments/objections included a permit condition to exclude a landowner's property from the permit; exclusion with a 100' buffer of a historic site; review of sites for wetlands, water quality issues, and the protection of the flattened musk turtle commented on by the U.S. Fish and Wildlife Service (USFWS); and a landowner's concern regarding water well damage and a possible negative impact on fish and wildlife in the area.

The three (3) permit renewal applications reviewed revealed the following:

- The three (3) permit renewal applications contained all required documentation. When written comments and/or objections were received by ASMC, they transmitted a copy of the written comments or objections to the applicant. All comments or objections were addressed by ASMC.
- Two (2) of the three (3) permit renewal application files did not contain a certification from the local librarian stating that the permit renewal application was available for review by the public. The permit renewal application did, however, state that the application was located at a local library for review and copying. The librarian certification is not required by the Rules of the Alabama Surface Mining Commission (Rules), but was initiated by ASMC to further validate that the documents were available for review.
- One permit renewal final advertisement date was July 15, 2002; however, the renewal effective date was July 29, 2002, and the issue date was August 16, 2002. Upon discussion with ASMC staff, it was determined that the renewal effective date always remains within the five-year permit timeframe. Sometimes the renewal effective date and issue date varies due to the applicant's failure to comply with regulations; i.e., failure to pay acreage fee or failure to advertise in a timely manner. This may cause an assessment to be imposed on the permittee at which time the issue date could become important to assessment calculations.

Based on this review, the BFO has determined that ASMC is meeting the requirement of insuring that permit renewals and new permit applications are made available to the public for review and comment.

VI. OSM ASSISTANCE

OSM's oversight role has shifted to focus more on on-the-ground reclamation success and end results than on processes. OSM's changing role now emphasizes assisting the State in improving its regulatory and abandoned mine land programs by identifying program needs and offering financial, technical, and programmatic assistance as necessary to strengthen the State programs. The BFO routinely provides information to ADIR and ASMC regarding new policy guidelines and procedures as well as changes in existing guidelines and procedures.

At ASMC's request, the BFO researched the Mine Safety and Health Administration (MSHA) requirements concerning hazard training for State and Federal mining inspectors and for citizens who visit mine sites. The BFO met with MSHA personnel on this subject and determined that MSHA procedures exempt government officials, such as State and Federal inspectors, from required hazard training since this training is to be provided by the inspectors' own agencies. Citizens under the control and direction of an authorized representative are not required to have hazard training, but must be provided with appropriate safety equipment while on the mine site. MSHA cooperated with this effort by providing annual refresher training to BFO and ASMC personnel on April 2, 2003.

ASMC requested assistance on March 24, 2003, with the review of two permit revisions that involved variances of the four-foot cover materials depths for coal waste disposal areas. The Mid-Continent Regional Coordinating Center (MCRCC) provided the requested technical review and developed comments, which were provided to ASMC on April 24, 2003, and on May 2, 2003. The responses to both requests recommended that ASMC require the submission of additional technical information before the revision applications could be considered technically complete.

ASMC requested assistance on May 6, 2003, from OSM concerning the review of a subsidence control plan for an underground mine in Jefferson County, Alabama. A permit revision application had been received that proposed to expand the underground mining limits and to allow for secondary coal recovery at the Pratt Mine which had been mined by the room and pillar method of coal extraction. ASMC requested that MCRCC assist them in conducting a subsidence analysis for the mine.

The Walker County Soil and Water Conservation District Board's (the Board) Revegetation Cost Comparison

In order to address concerns expressed by ADIR over revegetation costs as discussed in the EY 2002 Study, "The Effectiveness and Efficiency of the Walker County Soil and Water Conservation District Board's Reclamation Activities", the BFO performed a follow-up analysis of the Board's revegetation costs. The EY 2002 study found that the costs of revegetating AML completed contractor sites was significantly higher than the Board's costs of revegetating the Board's "start-to-finish" projects or the costs associated with the revegetation of Title V bond forfeiture reclamation. ADIR believed that it was

not prudent to compare revegetation costs incurred by the Board to revegetation costs charged by Title V contractors on bond forfeiture reclamation.

The 2002 study included AML projects completed during EY's 1999 through 2001. During this time period, no private contractors performed initial revegetation on any AML projects. Therefore, initial revegetation costs were calculated for and compared between 1) the Board's "start-to-finish" projects, 2) the Board's revegetation of AML contractor completed reclamation projects, and 3) Title V bond forfeiture contractor projects. As a result of the study, the BFO recommended that "since the costs for revegetation performed by the Board on completed reclamation projects is higher than that for the 'start to finish' projects and more than the costs charged by Title V contractors, ADIR may wish to re-evaluate revegetation by the Board on all AML contractor completed reclamation projects".

The follow-up analysis conducted in EY 2003 did not indicate significant differences in cost per acre between the Board's initial cost to revegetate contractor projects and the contractor's initial cost to revegetate their own projects. The Board's costs were only eight percent (8%) higher. The follow-up analysis continued to indicate a significant initial cost difference in the Board's "start-to-finish" projects and their cost to revegetate contractor projects. The Board's cost to revegetate contractor reclaimed completed projects was 22.9 percent (22.9%) higher than the cost to revegetate their "start-to-finish" projects.

These costs differences can be attributed to: 1) mobilization costs; 2) rougher grading by the contractor that results in extra time charged to labor and equipment; 3) contractor projects usually having steeper slopes that result in higher labor costs; and, 4) differences in the costs of hauling material to and within the boundaries of the project.

There appears to be little difference in cost or quality of initial revegetation on contractor revegetated completed projects and the Board's revegetation of completed contractor projects. The Board continues to have significantly lower costs for initial revegetation on their "start-to-finish" projects.

VII. GENERAL OVERSIGHT TOPIC REVIEWS

A. Program Evaluations of the State Regulatory Program

Ground and Surface Water Monitoring

The BFO conducted a study to evaluate ASMC's ground and surface water monitoring programs per their regulations and policies and procedures. The study was initially proposed to review both ground and surface water monitoring in one effort, but, during the evaluation year, the two were separated into two reviews.

Because of the shortened evaluation year and the complexity of the groundwater portion of the study, the BFO decided to conduct this review in two phases. Phase I of the study concentrated on a review of documents contained in ASMC's permit and water monitoring files. The study will continue into EY 2004 during which time the BFO plans to perform field reviews to evaluate the condition and location of the monitoring wells and to determine if they are being properly maintained. In addition, the process that ASMC uses to analyze groundwater data to determine that mining operations have not caused damage to the hydrologic balance will be analyzed.

The surface water monitoring study focused on the analysis and timely submittal of quarterly monitoring reports to ASMC, the proper maintenance of all required monitoring structures, and the compliance of effluents at point source discharges. The BFO utilized 20 joint inspections to evaluate this area of ASMC's program.

The study results showed that ASMC usually received the quarterly surface water data in a timely manner and the data received reflected an analysis of all the approved / required parameters. The ASMC inspection staff routinely assessed the maintenance and functioning of all monitoring structures. Where problems were identified with improper maintenance or function of a structure, discharges exceeding effluent limitations, or in the timely submission of monitoring reports, the enforcement process was typically initiated by ASMC.

To conduct the groundwater monitoring study, the BFO developed a list of permits which were in an active status or which had received Phase I or II bond releases. From that list a sample of 19 permits were chosen – ten (10) in active status, five (5) that had received Phase I bond releases, and four (4) that had received Phase II bond releases. Data was collected and analyzed from ASMC's permit files for the following areas:

- groundwater monitoring plans
- revisions to groundwater monitoring plans
- hydrologic baseline data
- quarterly groundwater monitoring reports
- hydrologic reclamation plans

During the analysis of the data the following specific questions/concerns were identified:

- Hydrologic baseline data was located in the permit for the designated wells and was seasonal in 16 of the 19 permits reviewed. In three permits all required hydrologic baseline data was either not present or was not seasonal in nature.
- Quarterly groundwater monitoring reports were located in ASMC's files for 13 of the 19 permits. For six permits, the monitoring reports were missing for one or more quarters.
- In 13 of the 19 permits reviewed, data was being collected from all groundwater monitoring wells approved in the permit, while reports for six permits showed that monitoring wells had been destroyed and not replaced.

ASMC is presently addressing these concerns. They have contacted the companies in the study sample and other companies found to have missing quarterly reports or who have not replaced wells that have been mined through or otherwise destroyed. ASMC has given the companies until the end of July 2003 to either submit a request for waiver of groundwater monitoring or replace all destroyed wells, as well as to submit all missing quarterly reports. After ASMC has evaluated the waiver requests, enforcement actions will be taken as necessary.

The Use of Explosives

The BFO conducted a study that reviewed adherence to the State mining regulations associated with the use of explosives. These regulations specify the requirements involved in the submittal of blasting designs and certifications by the permittee to ASMC. They list in detail how many years blasting records shall be kept by the permittee and what information must be logged into each blasting record.

The population for this study was permits that were active during EY 2003 that utilized blasting in their coal mining operations. A sample of 10 permits was selected from ASMC's list of active mines. One of the sampled permits was deleted from the study since blasting operations ceased in October 2002. For the remaining nine permits, a random sample of three blasting records was selected from each permittee's blasting file for review. The State inspectors accompanied the BFO during the mine site data collection phase of the study.

A permit file review of the nine sample permits was conducted to verify that all pertinent information was gathered. The results were as follows:

- All permits used more than five pounds of explosives or blasting agents.
- All blasting operations were conducted by certified personnel. Blasting was conducted by blasting contractors. All certifications were either verified in the field by State inspectors or by the ASMC Blasting Inspector.
- Anticipated blast designs were submitted for all blasting operations that were 1,000 feet from any building, or 500 feet from an active or abandoned underground mine.
- The blast design was submitted for all permits meeting the above requirements; however, one permit in the study sample did not have all required information in the blasting design. The design did not have the decking or the location and description of structures to be protected. The required information was ultimately received, determined to be appropriate, and was completed before blasting was conducted. This practice is consistent with the approved Alabama program.

A review of the blasting reports maintained at each permit site (three for each permit) was conducted by the BFO to verify that all required information was listed. All nine

permits in the study sample retained a record of all blasts conducted for the past three years.

The blasting records reviewed showed different levels of completeness. All operations utilized a contract company to handle blasting operations. Each contractor used different forms to record blasting information. Some forms had more required information than others. It was also observed that some permits utilized the same contract blasting company; however, the manner in which the blasting record was filled out differed from one blaster to the other. There was a lack of consistency in the way blasting operations were being recorded and how much required information was included in the record.

A review of the blasting records for the nine (9) permits revealed that the following types of data were not available in all of the records: (1) the name of the operator conducting the blast; (2) the location of the blast; (3) identification, direction, and distance from the nearest blast hole to the nearest dwelling; (4) the type of material blasted; (5) sketches of the blast pattern; (6) the total weight of explosives used per hole; (7) the maximum weight of explosives detonated in an 8-millisecond period; (8) initiation system; and, (9) the type of stemming. This data, required by the State regulations, includes information vital to the verification of blasting compliance. The information that was not provided in the blasting records could lead to a poor or incomplete determination of what occurred during a blast.

One permit was required to record seismograph readings to verify blasting compliance. The blasting record included the seismograph reading, but did not provide all information required by this regulation. The type of instrument, sensitivity, and calibration was not recorded and is necessary to determine the scientific accuracy of the instrument. The exact location of the instrument and the distance from the blast was also omitted from the record. This information is required to verify accuracy in the placement of the instrument. The seismograph readings on the permit site did not have the above-mentioned information which could lead to the question of accuracy of the instrument.

The review identified three different companies conducting blasting operations. The study recommended that forms be revised to assure consistency and completeness. Reviews of blasting records by the ASMC inspectors should ensure that all data is entered and not inadvertently omitted.

Wetland Determination and Protection/Mitigation Procedures

The BFO conducted a study to evaluate how ASMC determines whether a prospective permit will disturb jurisdictional wetlands and how identified wetlands are protected or mitigated. The sample for the study was composed of 24 coal mining permits and their revisions, issued by ASMC between January 6, 1999, and November 21, 2002. Since none of the permits contained jurisdictional wetlands, the review concentrated on (1) how consultations with the U.S. Fish and Wildlife Service, the Alabama Department of Conservation and Natural Resources (ADCNR), and the U.S. Army Corps of Engineers

(both the Mobile and Nashville Districts) (Corps) were conducted; (2) how permit or revision applications documented wetland concerns; (3) how ASMC responded to consultation responses as recorded in each permit findings document; and, (4) how ASMC documented site conditions, as recorded in the pre-issuance inspection report.

In the majority of permit files (17 of the 24) and one of the five revisions, all consultation activities were accurately recorded in the permit, all appropriate State and Federal agencies were consulted, and ASMC developed permit findings that reflected all of the review and consultation activities. The following issues were identified in the remaining permits and revisions:

- The Corps was not consulted on two permit applications and two revisions where the USFWS had indicated potential wetlands. No explanation was provided in the permit or revision application as to why the Corps was not consulted. ASMC indicated that it was always their policy to ensure that Corps was consulted in the instances where the USFWS had indicated potential wetlands.
- Another concern was that the substance of the consultation letters was not always accurately presented in the permit or revision applications. ASMC agreed to ensure that future permit and revision applications contained an accurate description of the consultations with the USFWS and the ADCNR.
- The BFO expressed concern that ASMC did not record the presence or absence of wetland conditions during its pre-issuance inspection. ASMC indicated that none of its staff were certified wetlands delineators and were not trained to make determinations concerning wetlands conditions. The BFO recommended that ASMC personnel be trained to, at a minimum, pinpoint wet areas and indicator plant species that would flag the site for review by a wetlands expert. It was also recommended that the pre-issuance inspection form be revised so that ASMC field reviewers could record information on areas that may meet wetland criteria.
- The BFO noted that, in four of the permit applications and two of the revision applications, the permit findings did not discuss the consultation relative to wetlands. ASMC agreed that future permit and revision findings would record the consultation activities relative to wetlands.
- The BFO also reviewed how ASMC documented riparian zone wetlands that should be protected by an intact 100-foot stream buffer zone. Three permits or revisions included 100-foot buffer zone waivers. In one case, wetland resources were reviewed on-the-ground by a wetlands expert with the results documented in the permit application and the findings document. In the second, the consultation process concluded with a Corps determination that no wetlands were associated with the 100-foot buffer zone. In the third, no assessment of wetland resources was documented, but the disturbance within the buffer zone was minor. ASMC indicated that wetland considerations relative to stream buffer zone waivers will continue to be reviewed on a case-by-case basis and the results of this review documented in the permit or revision application and findings.

B. Program Evaluations of the State Abandoned Mine Land Program

Abandoned Mine Land Inventory System (AMLIS)

The purpose of this study was to evaluate the accuracy and completeness of Alabama AMLIS entries. Because the data in AMLIS is utilized for a number of important purposes, including the development of annual report tables, data for OSM's Annual Report to Congress, and measurements that OSM uses, under the Government Performance and Results Act, to characterize how well the AML Program is working, the BFO determined that the accuracy of problem area data is essential in quantifying not only Alabama's program success over time, but OSM's success in rectifying the problem of abandoned mine lands.

To conduct the study the BFO evaluated a random sample of 30 AMLIS entries made by ADIR between October 1, 2000, and September 30, 2002, by first checking the administrative information, such as the planning unit number and name, the county, USGS quadrangle name, and the longitude/latitude, against the corresponding quadrangle map. Feature size/type and cost information were reviewed by comparing the AMLIS entries against the final project reports provided to the BFO as part of the grants process.

The BFO's review concluded that ADIR is maintaining its AML inventory system in a manner that provides accurate and complete data into AMLIS. Because of the high level of accuracy of feature size/type and cost data (99.3%), the BFO determined that OSM can rely on Alabama's AMLIS data to effectively respond to the needs of Congress and the public concerning the AML Program. ADIR can also rely on the inventoried problem areas in its project ranking and selection process.

Screening of Potential AML Contractors Through the Applicant Violator System (AVS) Study

The purpose of this review was to evaluate ADIR's screening process of successful bidders for AML reclamation project contracts and to determine if ADIR awards contracts only to those that are eligible to receive Federal funds.

The Alabama State Plan provides that only responsible contractors will be awarded AML reclamation construction contracts. AML construction contracts are awarded through Alabama's competitive bid process. To receive AML funds for reclamation, every successful bidder for an AML contract must be eligible under 30 CFR 773.14(b)(1) – the contractor has no unabated violations under the jurisdiction of the Title V State regulatory authority – at the time of contract award to receive a permit or conditional

permit to conduct surface coal mining operations. Successful bidder eligibility must be confirmed by the OSM AVS office for each contract awarded.

The study reviewed AVS checks on all successful bidders for AML construction contracts awarded from October 1, 2001, through September 30, 2002. Four (4) projects let for bid during this period were reviewed.

ADIR's procedures are to screen each successful bidder through OSM's AVS. ADIR contacts OSM's AVS office with information provided by the successful bidder on form OMB#1029-0119, "AML Contractor Information Form". The AVS office reviews the information and determines if the contractor is eligible to receive Federal funds. This information is then provided back to ADIR.

The project file review revealed the following:

- Each project file contained a completed, signed, and dated "AML Contractor Information Form".
- All the above forms were signed and submitted by the contractors prior to the awarding of the contracts.
- Timely AVS inquiries were made prior to the awarding of the contracts.
- AVS office responses were provided prior to the awarding of the contracts.
- All successful bidders were determined by the AVS office to be eligible to receive Federal funds.
- Prior to the awarding of the contracts, all contracts had been signed by the successful bidder. The packages sent to the bidders contained the construction contract, the "AML Contractor Information Form", a copy of the bidder's original bid proposal, and DI-1954, "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower Tier Covered Transactions".
- All contracts were awarded subsequent to the determination by the AVS office that the successful bidder was eligible to receive Federal funds.

ADIR has procedures in place to assure that AML contracts are only awarded to responsible contractors. Prior to the award of AML reclamation construction contracts, ADIR screens each successful bidder through OSM's AVS to assure that they are eligible to receive Federal funds. The effective and efficient working relationship between ADIR and OSM's AVS office provides for timely eligibility determinations. All contracts awarded during the review period were to contractors eligible to receive Federal funds.

Abandoned Mine Land Projects' Long-Term Reclamation Success

The purpose of this review was to evaluate ADIR's long-term reclamation success as achieved through proven technology to accomplish the required work on the projects. Post-construction maintenance of the projects was also reviewed. Two populations were chosen for the study: projects completed more than 10 years before the date of the study

and projects completed more than five, but less than 10, years before the date of the study. The populations chosen for the study were all non-emergency AML projects completed during the periods: 1) prior to September 30, 1993, (235 projects) and 2) between October 1, 1993, and October 1, 1998, (73 projects). Separate random samples of 10 projects each were taken from each population.

File reviews were conducted at ADIR's Birmingham Field Office in association with the field reviews.

The project files were reviewed to determine the following: 1) what the project goals and objectives were; 2) what features were reclaimed; 3) what reclamation techniques had been proposed; 4) if problems had been encountered during reclamation; 5) whether or not trees were planted; and, 6) what post-construction maintenance was performed.

Site visits to the projects were made to determine the following: 1) that the goals and objectives of the project had been met; 2) that all features had been reclaimed; 3) the percentage of vegetation coverage; 4) the types of vegetation planted (including trees); 5) the presence of erosion or offsite sedimentation; and, 6) the overall site conditions/on-the-ground results of each project.

The file review concluded that:

- Project goals and objectives were clearly stated for each project. The majority of the goals and objectives involved the elimination of AML features that posed dangers to the public health and safety.
- The features to be reclaimed were clearly identified and quantified.
- Reclamation techniques were adequately discussed in detail.
- Any problems encountered during reclamation were noted.
- The majority of projects were planted in loblolly pines and some wildlife shrubs.
- Each post-construction inspection and post-construction maintenance event was recorded. Seventeen (17) of the 20 projects reviewed received post-construction maintenance.
- Project maintenance included topdressing and overseeding, erosion control, repair of drainage control devices, repair to highwall backfill material due to slumping and/or cracking, replacement of dead or diseased tree seedlings, and kudzu eradication.

The field reviews concluded that:

- The project goals and objectives were met for each project.
- All AML features proposed for reclamation were eliminated.
- The percentages of vegetation coverage of the projects ranged from 85% to 99.9% with an average of 96.4%.
- Native species had volunteered on the sites.
- There are at present only two federally listed invasive species prevalent in the coalfields of Alabama – kudzu and mimosa. Mimosa has only recently been

added to this list. ADIR has a spraying program to eliminate kudzu from AML sites. No kudzu was noted on any of the sites visited.

- No significant erosion was noted on any of the projects.
- No offsite sedimentation was noted on any of the projects.
- Overall site conditions/on-the-ground results of the projects are as follows:
 - All the sites were stable – they did not exhibit any slumping in backfill material including highwalls, portals, and vertical openings.
 - All the sites were well vegetated with healthy vegetation. On the sites where trees were planted, they were also healthy specimens.
 - All sites exhibited plant diversity.
 - All permanent sediment and drainage control structures were functioning properly.
 - A one-half to one-acre wetland had established on one of the sites, and a riparian wetland had established on another.
 - Impoundments that were established during reclamation remain stable.
- Post-reclamation on-the-ground conditions have provided benefits to the landowners and created beneficial uses for the reclaimed areas.

The study found that long-term reclamation success had been achieved on all 20 projects examined.

C. Program Evaluations Carried Over into EY 2004 – State Regulatory Program

Particle Size on Topsoil Replacement

The BFO proposed to conduct a study to determine if the procedure used by mine operators to substantiate particle size on topsoil replacement material met the specifications approved in the permit. A joint meeting between the BFO and ASMC was held to discuss the study. Topsoil and soil substitute sampling procedures were discussed. The BFO agreed to gather information from other states on their soil substitute sampling procedures as an assistance activity for the State. Contacts were made with MCRCC and Natural Resource Conservation Service in Alabama to discuss sampling techniques. ASMC provided the BFO with its current Topsoil Variance Proposal Guidelines. Due to the abbreviated evaluation year, no further progress was made on the study. The BFO plans to continue the study into EY 2004.

Sediment Pond Removal

The BFO selected this area of study to review the manner in which temporary sediment ponds are removed on permitted sites in Alabama and whether the removal agrees with the sediment pond removal plan located in the permit's reclamation plan. The population initially selected by the BFO did not provide any sites where temporary sediment ponds had been removed in preparation for bond release. The sample was modified, and one site visit was conducted to review the removal of two temporary sediment ponds. Due to

the shortened evaluation year and the lack of a bond release population from which to gather data for the study, the study was continued into EY 2004.

D. Program Evaluations Carried Over into EY 2004 – Abandoned Mine Land Program

Ranking and Selection

The EY 2003 performance agreement with ADIR listed a study that the BFO planned to conduct regarding the AML project ranking and selection process used by the State. Due to the shortened evaluation year, the study was continued into EY 2004.

APPENDIX A

TABULAR SUMMARY OF CORE DATA TO CHARACTERIZE THE PROGRAMS

The following tables present data pertinent to mining operations and State and Federal regulatory and abandoned mine lands activities within Alabama. They also summarize funding provided by OSM and Alabama staffing. Unless otherwise specified, the reporting period for the data contained in all tables is the same as the evaluation year. Additional data used by OSM in its evaluation of Alabama's performance is available for review in the evaluation files maintained by the Birmingham Field Office.

APPENDIX B

STATE COMMENTS ON THE REPORT