



**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

**Annual Evaluation Summary Report**

**for the**

**Regulatory and AML Programs**

**Administered by the State**

**of**

**MARYLAND**

**for**

**Evaluation Year 2005**

**(July 1, 2004, through June 30, 2005)**

**August 2005**

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# I. Introduction/Summary

## *Introduction*

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior. SMCRA provides authority to OSM to oversee the implementation of and provide federal funding for State Regulatory programs that OSM has approved as meeting the minimum standards specified by SMCRA. This report contains summary information regarding the Maryland Program and the effectiveness of the Maryland Program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of July 1, 2004, through June 30, 2005. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Pittsburgh Field Division (PFD).

## *Summary*

For the evaluation year, oversight data and studies indicate that the Maryland Program has been effective in meeting the goals of SMCRA. Maryland has conducted a program where active mining sites are, with few exceptions, in compliance with planning, mining, and reclamation standards. Reclamation has been thorough and has proceeded in a contemporaneous fashion. A study of the three most recently issued permits indicates that, on average, ninety percent of the affected area has been backfilled and planted at any time.<sup>1</sup>

Ninety-two percent of sites reviewed exhibit no off-site impacts.

Maryland's alternative bonding system (ABS) appears to be solvent and sufficient to reclaim all outstanding forfeiture actions for the first time since March 1999, when it was determined by reclamation cost estimates that Maryland's ABS was insufficient to address the bankruptcy of a company which had seven unreclaimed permits in Maryland. The recent program amendment to increase the cap on Maryland's Bond Supplemental Reserve fund by 150% will help to assure the ABS remains solvent by making more funds available for reclamation of forfeiture projects.

Maryland has implemented all but one of their outstanding program amendments and the remaining amendment is expected to be implemented over the next evaluation year.

In addition to mining and reclamation efforts, the Maryland Department of the Environment (MDE) has continued to involve the public through programs such as the Appalachian Clean Streams Program and Watershed Cooperative Agreements.

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<sup>1</sup> 64 % in 1998 study, 68 % in 1999 study, 87 % in 2000 study, 75% in 2001, 78% in 2002, 91% in 2003  
73% in 2004 study.

This year's evaluation has identified some concerns which are addressed in more detail under the "Regulatory Program Issues" subsection. The concerns include exemptions of haul roads from permitting requirements, inclusion of shadow areas in inspection coverage, techniques used to determine revegetation success, and citing violations. Coordination is ongoing to address these concerns. OSM will work with MDE to resolve these issues and others addressed in the evaluation year 2006 Performance Agreement between MDE and OSM. This will help ensure the continuation of a strong and viable program in the State of Maryland.

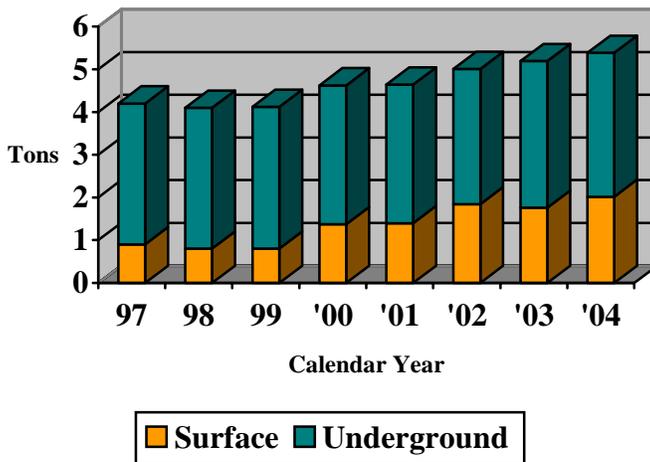
The sections which follow provide additional detail on program successes and issues identified in the 2005 evaluation year. Below is a list of acronyms used in this report:

ABS	Alternative Bonding System
ACSP	Appalachian Clean Streams Program
AES	Allegheny Energy Systems
AMD	Acid Mine Drainage
AML	Abandoned Mine Lands
AMLIS	Abandoned Mine Land Information System
AOC	Approximate Original Contour
APS	Allegheny Power System
BOM	Maryland Bureau of Mines
COMAR	Code of Maryland Regulations
EPA	Environmental Protection Agency
LRC	Maryland Land Reclamation Committee
NOVO	Notice of Violation and Order
NRCS	Natural Resources Conservation Service
MDE	Maryland Department of the Environment
NEPA	National Environmental Policy Act
OSM	Office of Surface Mining Reclamation and Enforcement
PFD	Pittsburgh Field Division
SMCRA	Surface Mining Control and Reclamation Act of 1977
SOAP	Small Operator Assistance Program
WCAP	Watershed Cooperative Agreement Program

## II. Overview of the Maryland Coal Mining Industry

Coal mining in western Maryland began in the early 1700's, accounting for some of the earliest coal ever to be mined in the eastern United States. By 1820, several mines were operating in the Eckhart, Frostburg, and Vale Summit areas. Between 1900 and 1918, deep mine production peaked between four and five million tons annually with an historical high of 5.5 million tons in 1907. Most of these mines were developed up-dip to drain water away from the mines. As a result of this, water high in acid and iron drained into streams. Today, acid mine drainage from abandoned coal mines is Western Maryland's most serious water pollution problem. After World War II, underground mining declined in Maryland. By 1977, surface mining accounted for 91 percent of the total production. Since then, production at underground mines has recovered and surpassed surface production, accounting for approximately 65 percent of the total production in 2003, unchanged from the previous year.<sup>2</sup>

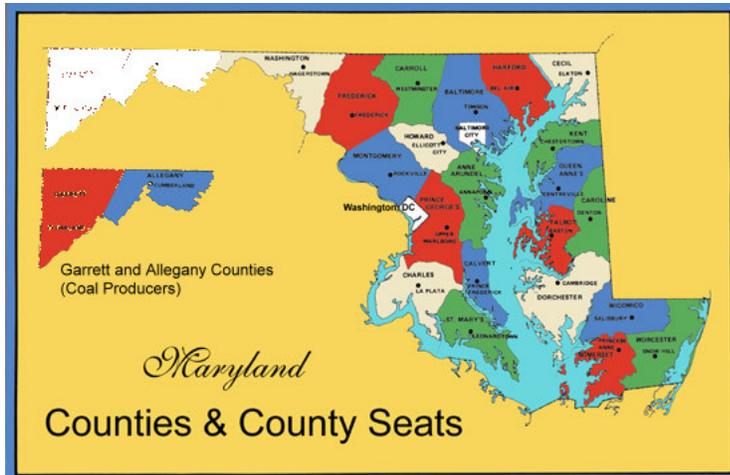
Maryland Coal Production - Millions of tons (gross)



During the 1980's, the amount of coal mined in Maryland fluctuated between three and four million tons, with the greatest production occurring in 1981 (4.5 million tons). Since that time, as shown graphically on the chart at the left, the tonnage mined has been generally increasing over the last five calendar years to a production of almost 5.4 million short tons for 2004. The increase is

attributable primarily to surface coal mine production. Since 1999, surface coal production has more than doubled while underground production has remained nearly constant. The continued increased production in surface mined coal in Maryland is primarily attributed to the continued operation of the Allegheny Energy Systems (AES) Electric Cogeneration plant located near Cumberland in Allegany County. The AES Warrior Run Cogeneration facility came on line near Cumberland in Allegany County in 1999. It has a net power output capacity of 180 megawatts that is sold to Allegheny Power Systems (APS) under a 30-year power purchase agreement. The plant was constructed to burn only western Maryland coal with a clean coal technology using a circulating fluidized bed boiler. Approximately 600,000 tons of coal is burned each year. Limestone used in the cogeneration process is also mined locally. In addition to electric generation, the plant produces liquid carbon dioxide (CO<sub>2</sub>) that is sold commercially.

<sup>2</sup>Source – Energy Information Administration, U.S. Department of Energy, 2003 Annual Coal Report, Table 2, Coal Production and Number of Mines by State, county, and Mine Type, 2003. The majority of underground coal production in Maryland is generated from one mine employing approximately 250 people.



Today coal mining in Maryland is confined to Garrett and the western portion of Allegany County. The topography in this area comprises gently rolling terrain with occasional steep slopes. Maryland State law prohibits surface mining on steep slopes. The Conemaugh and Allegany geologic formations contain five major minable fields or basins in the State. These include the Upper Youghiogheny, Lower Youghiogheny, Casselman, Upper Potomac, and

Georges Creek. The Georges Creek Basin contains the most recoverable coal reserves in the State, followed by the Upper Potomac and the Casselman. There is no mining in the Upper Youghiogheny field. The recoverable coal reserves in Maryland are approximately 61 million tons<sup>3</sup>, which ranks Maryland eighteenth nationally.

Coal production in Maryland accounted for .47 percent of total U.S. coal production in 2003<sup>4</sup>, up by approximately .06 percent from the previous year and ranking eighteenth nationally in coal production of the 25 states reporting. Production is expected to remain stable over the next year.

Statewide, Maryland consumed approximately 13 million tons of coal in 2003 and ranks twenty-fourth nationally in total coal energy consumption<sup>5</sup>. Consumption has increased by 3.7 percent over the past year. Maryland employs approximately 451 coal miners (year 2003 statistic), a decrease of 11.7 percent from the previous year.<sup>6</sup>

<sup>3</sup>Source - Energy Information Administration, U.S. Department of Energy, Annual Coal Report, Table 14, Recoverable Coal Reserves and Average Recovery Percentage at Producing Mines by State, 2003, 2002.

<sup>4</sup>Source - Energy Information Administration, U.S. Department of Energy, 2003 Annual Coal Report, Table 6, Coal Production and Number of Mines by State and Coal Rank

<sup>5</sup>Source - Energy Information Administration, Table 26, U.S. Coal Consumption by End Use Sector, by Census Division and State, 2003.

<sup>6</sup>Source - Energy Information Administration, Table 18, Average Number of Employees by State and Mine Type, 2003, 2002.

### III. Overview of Public Participation Opportunities in the Oversight Process and the State Program

There are numerous opportunities for citizens, the industry, and environmental groups to participate in the Maryland Regulatory and Abandoned Mine Lands (AML) programs. Opportunities for public involvement include outreach efforts, organizational involvement, and formal regulatory participation.

#### **Outreach**

Outreach is the interaction on a routine, periodic basis of OSM along with state, local governmental bodies, coal associations, businesses, citizens and environmental groups, to actively seek out and determine their areas of concern and suggestions.

During the evaluation, representatives from OSM, including the Director, Assistant Director, Chief of Staff, and members of the Maryland Bureau of Mines, the State Land Reclamation Committee, and the Maryland DNR participated in a public Arbor Day Tree Planting activity, planting more than 700 trees on a reclaimed coal mine site outside Frostburg, Maryland. The trees planted included a mixture of hardwood and softwood trees and shrubs, including commercially valuable species such as Black Cherry.



Maryland also organized an arbor day activity involving middle school students who planted trees on local reclaimed mine lands.



The Western Maryland Resource Conservation and Development Council (RC&D), a 501(c)(3) nonprofit organization started in 1993, conducted a tour of several watershed cooperative project sites in conjunction with the Maryland Bureau of Mines and the Maryland Department of Natural Resources – Power Plant Research Program. The Western Maryland RC&D council includes representatives from five Boards of County Commissioners, six Soil and Water Conservation Districts,

several municipalities, grassroots organizations, and interested individuals. All of these groups share

a common desire to protect natural resources, the rural lifestyle, and economic well-being for the residents of Garrett, Allegany, Washington, Frederick, and Carroll Counties.

OSM continues to involve the public, state and others in the oversight of the Maryland program. This is done through the use of bimonthly newsletters, internet websites, annual performance agreements and requests for public input for periodic program amendments. MDE routinely provides opportunities for public participation in both the Title IV and Title V programs.



All hearings and public meetings provide a forum for the public, industry, the academic community and local politicians to voice their opinions on various issues.

### ***Organizational/Public Involvement***

Organizational involvement in restoring Maryland's mined lands continues to grow in both the regulatory and abandoned mine lands program. Maryland continues to broaden its involvement with such groups as watershed associations, National Park Service, Natural Resource Conservation Service, Trout Unlimited, and others. Through increased partnering opportunities with various groups and agencies, Maryland is able to leverage additional funds and take on additional land reclamation projects.

### **Regulatory Program**

The Land Reclamation Committee (LRC) was formed in 1967 through legislation enacted by the State of Maryland. The Committee is composed of 13 members representing the mining industry, soil conservation districts, counties, citizens, and State agencies. The Committee studies, recommends, and approves procedures to reclaim, conserve, and replant land affected by coal mining in Maryland. This includes the review of mining and reclamation plans, progress reports, and final reports. It establishes plans and procedures, as well as practical guidelines, for prompt and satisfactory reclamation, conservation, and revegetation of all lands disturbed by coal mining within the State. The Committee meets periodically and OSM representatives attend the meetings along with members of the public, industry consultants, and coal operators.

Under the Code of Maryland Regulations (COMAR), the public can formally participate in the regulatory program by requesting hearings on the issuance of permits and bond releases; petitioning to have areas declared unsuitable for mining; requesting inspections of active coal mine operations where there is reason to believe a violation is occurring (citizen complaints); requesting pre-blast surveys if living within one half mile of the permit area; and appealing Departmental decisions through the appeal process.

### Appalachian Regional Reforestation Initiative

During the evaluation year, Maryland, OSM and the other six Appalachian coal producing states continued to make progress in implementing the Appalachian Regional Reforestation Initiative (ARRI).

The Initiative's goals are to plant more high-value hardwood trees on reclaimed coal mined lands in Appalachia and to increase the survival rates and growth rates of planted trees. Accomplishing the goals of the Reforestation Initiative is done using Forestry Reclamation



Approach (FRA) technology. The FRA is a proven technique used to increase the productivity of reclaimed mine land on areas where trees are to be planted. FRA technique consists of placing a minimum of 4 feet of a suitable growing medium (the original soil and/or weathered sandstone) on the surface and then performing minimal grading to prevent excessive compaction. The resulting surface is very loose, rough and rocky, which increases stormwater infiltration and allows

for increased root penetration and available nutrients. As demonstrated by decades of research, the tree growth rate exceeds that of undisturbed, natural forest soil. Other aspects of the FRA include: using native and noncompetitive ground covers that are compatible with growing trees, planting two types of trees (early succession species for wildlife and mine-soil improvement and commercially valuable crop trees), and using proper tree planting techniques.

The formal signing of a Statement of Mutual Intent by partners interested in promoting the reforestation of mined lands was held on December 15, 2004.

Maryland has become an active participant in the ARRI. In addition to promoting the use of trees in mined land reclamation with its partners, Maryland has done presentations for the State Land Reclamation Committee and coal operators. In addition, tree usage has been promoted through Arbor Day and Earth Day tree planting programs.

Maryland officials along with other state and industry officials have also formed a committee which has developed specific guidelines for effectively planting more trees on western Maryland coal mine sites.

## **Abandoned Mine Land Program**

Maryland continues to be an active participant with local communities, watershed groups, and State and Federal agencies in accomplishing mutual Abandoned Mine Land Program goals. These goals usually involve the clean-up of acid mine drainage (AMD) problems that impact local streams. The Watershed Cooperative Agreement Program is a part of the Appalachian Clean Streams Program (ACSP) and is intended as a means of funding not-for-profit groups, especially small watershed groups that undertake local AMD reclamation projects. Cooperative agreements are signed between OSM and these groups at the time of the grant award. Grants can range from \$5000 to \$100,000 and there is a two-year performance period to complete a particular project. An integral part of the Cooperative Agreement program is the requirement that the proposed project be done by a group of partners and these partners must provide a substantial portion of the total resources needed to complete the project.

Some of the more active partners Maryland works with include:

Allegheny County Public Works  
Appalachian Environmental Lab  
Braddock Run Watershed Association  
Canaan Valley Institute  
EPA  
Garrett County Community Action Agency  
Garrett County Public Works  
Georges Creek Watershed Association  
MD DNR  
MD Small Streams & Estuaries Program  
NRCS  
Western MD RC & D  
Yough River Watershed Association

These groups have become increasingly important for funding larger scale AMD projects when Maryland's funds are limited due to its minimum program status. Maryland personnel actively participate in speaking at public forums and watershed meetings. They are also active in Earth Day activities and speaking to schoolchildren.

Maryland actively assists OSM interns and AmeriCorps Volunteers who work with local watershed groups.

## ***Impacts/Results of Public Participation***

### **Regulatory**

There were five public requests for pre-blast surveys during the evaluation year. There were seven LRC meetings held during the period. Five of the meetings were regularly scheduled office meetings and two were for evaluating revegetation eligible for phase II and/or III bond

release. There were no public petitions for designating lands unsuitable for mining and reclamation operations in Maryland during the evaluation year. There was one citizen complaint Ten Day Notice (TDN) issued by OSM and one standard TDN issued. Both resulted in receiving an appropriated response from Maryland. No hearings were requested on the issuance of permits or bond releases.

## **AML**

During the 2005 Evaluation Year, the State of Maryland continued to work cooperatively with watershed groups, other government agencies, and county governments to promote AMD abatement efforts.

Through the Appalachian Clean Streams Program and the associated Watershed Cooperative Agreement Program, Maryland is able to partner with public and private groups in doing AMD remediation projects.

Since the program was started in 1999, Maryland and its' partners have completed nine ACSP Watershed Agreement Projects. An additional seven projects have been approved, with three out for bid and four in the design stage. An additional project, Chub Run, is pending based on the need for additional funding sources. Funding for watershed projects from OSM alone is in excess of 1.6 million dollars since 1999.

## IV. Accomplishments/Issues in the Maryland Program

MDE continues to be successful in achieving the purposes of SMCRA. The Maryland program is firmly established, the public's rights and interests are being protected, mining is being conducted effectively, efficiently, and in an environmentally sound manner, and abandoned mine lands are being reclaimed. In addition to these general measures of success, MDE has been actively involved in several program improvement initiatives and activities. These are discussed below, along with outstanding issues and concerns that are being addressed in a mutual effort to maintain a high level of quality in the Maryland program.

### ***Regulatory Program Accomplishments***

MDE's Title V program has remained effective in the planning, mining, and reclamation of active coal sites. A study of the three most recently issued permits indicates that, at any time, on average, ninety percent of the affected area has been backfilled and planted.<sup>7</sup>

Ninety-two percent of sites reviewed exhibited no off-site impacts during this evaluation year.

MDE works to continuously improve existing processes and procedures under their approved program, and takes innovative measures to establish new programs. During this evaluation period, MDE resolved many existing topical study issues and initiated amendments to their approved program, improving the Maryland program in the following areas:

- **Alternative Bonding System** – Maryland's alternative bonding system (ABS) appears to be solvent and sufficient to reclaim all outstanding forfeiture actions for the first time since March 1999, when it was determined by reclamation cost estimates that Maryland's ABS was insufficient to address the bankruptcy of a company which had seven unreclaimed permits in Maryland. In addition, the recent program amendment to increase the cap on Maryland's Bond Supplemental Reserve fund by 150% will help to assure the ABS remains solvent by making more funds available for reclamation of forfeiture projects.
- **Subsidence** - Maryland implemented a program amendment which clarifies and strengthens environmental controls to prevent and mitigate subsidence damage to structures and features such as water supplies.
- **Excess Spoil and Sedimentation Ponds** – Maryland implemented a program amendment which clarifies and strengthens environmental and safety controls relating to sedimentation pond and excess spoil structure design and performance.
- **AMD Inventory** – Two sites were removed from Maryland's acid mine drainage inventory as AMD problems on these sites were successfully addressed.

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<sup>7</sup> 68 % in 1999 study, 87 % in 2000 study, 75% in 2001 study, 78% in 2002, 91% in 2003 study, and 73% in 2004 study.

- **Applicant Violator System** – AVS review procedures were improved by adoption of procedures to conduct annual ownership/control review in conjunction with license renewal and use of a quality review checklist.
- **Remining** – Maryland improved this area of their program by standardizing procedures for designating remining sites and pro-rating bond reduction incentives over a designated permit.
- **Bond Release Inspection Timing** – Maryland has progressed in this area, conducting bond release inspections only during amenable times and seasons, and only making exceptions on a case-by-case basis.
- **Sedimentation Pond Certifications** – Maryland has developed new standardized forms to assure all critical construction phases are addressed and assurances are provided for “as-built” certifications and annual impoundment inspection reports.
- **Lands Unsuitable** – Maryland has developed a petition form, reference data documents, and processes for adding new material to the database to strengthen the advertising, publication, review, and determination processes for lands unsuitable petitions.

### ***Regulatory Program Issues***

During this review period, MDE and OSM identified four issues that may impact successful implementation of the approved MDE program.

- **Permitting Haul Roads** – An active permit<sup>8</sup> in Maryland includes a road used for hauling coal which has been considered a public road by Maryland and therefore not required to be permitted. OSM has questioned whether this road meets the criteria for exception from permitting and has been coordinating with Maryland to resolve this matter.
- **Inspection of Deep Mine Shadow Areas** – In order to properly evaluate the impacts to structures and features above underground mine workings, inspections of these areas must be conducted following the progression of mining under these areas. Maryland views potential hurdles to this requirement in the areas of right of entry issues and sufficient staffing levels. Coordination of this issue is ongoing.
- **Determining Revegetation Success for Phase II and III bond release** – Maryland was found to not be conducting the required number of statistically valid samplings of sites for success of ground cover vegetation, and was not conducting any statistically valid samplings of woody vegetation on areas being evaluated for phase II and/or III bond release. OSM has offered training in use of statistically valid sampling techniques to Maryland. Coordination of this issue is ongoing.
- **Patterns of Issuing Violations** – Violations in Maryland are cited more frequently by State inspectors when in the presence of OSM inspectors than when unaccompanied by OSM inspectors. This area has shown continued improvement in recent years. OSM will continue to monitor Maryland citation activity.

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<sup>8</sup> SM-83-213

## **AML Program Accomplishments**

Maryland's AML program continues to make effective use of its Title IV funding as one of seven minimum program states nationwide. Maryland has completed several standard AML program projects during this evaluation year and two bond forfeiture projects. The Appalachian Clean Streams Program that is designed to reclaim land damaged by past mining practices and to alleviate the associated AMD problems continues to improve stream water quality in Maryland.

During the evaluation period, Maryland adopted policy to include clean streams projects under their liens procedure, thereby assuring no financial gain occurs to property owners as a result of reclamation activities increasing property values on these projects.

The following represents Maryland's on-the-ground accomplishments achieved during the review period for the Title IV program:

**Standard AML Projects** - Maryland is one of seven minimum program states that receive \$1.6 million in Title IV funds annually from OSM for standard AML projects.

Maryland is allowed to deposit up to \$1 million of this amount into an interest bearing account each year for addressing AMD problems. Maryland uses approximately \$65,000 annually from this source to purchase limestone for use in seven limestone dosers that treat AMD in the two county area. Funding for the installation of an eighth doser to treat a discharge in the small community of Shallmar is slated for 2006.

During the evaluation period, Maryland completed the Jackson Mountain Mine Fire Control Project and the Mill Run II Reclamation Project. A small mine drainage abatement project was also done at a single residence at a cost of \$9,650.00. In addition, design, contracting and construction activities were initiated for the T.D. Mining forfeiture and AML reclamation project.

The Jackson Mountain Mine Fire Containment Project involved the excavation and subsequent reclamation of an underground mine fire to eliminate hazards associated with the fire, including the protection of an underground gas line and public road. The project was completed at a cost of \$210,380.00.

The Mill Run II AML Project involved the reclamation of seven acres of abandoned surface coal mine land to eliminate public health and safety hazards associated with the site. The project was completed at a cost of \$78,250.00.

Maryland submitted and received approval for five NEPA evaluations during the period. The Youghiogheny River received approval as a hydrologic unit and AMD Treatment Plan under the 10% set-aside program.

**Appalachian Clean Streams Program Projects** - Maryland receives annual funding from the Appalachian Clean Streams Program (ACSP) to use in partnering with other private and

public funding sources to clean up AMD problems in Maryland. Maryland and its partners have been very successful in combining their resources in order to implement these projects.

The Watershed Cooperative Agreement Program (WCAP), a sub-program within the ACSP, has allowed Maryland to “stretch” limited Federal and State dollars available for AMD projects. One such project under the WCAP is the Crellin School AMD Project located in the town of Crellin in Garrett County, Maryland. Partnering with multiple groups including students at Crellin Elementary will involve the construction of three small treatments cells and the removal and regrading of five acres of abandoned coal refuse. Drainage from the site is degrading Snowy Creek which flows next to the site. The system will treat 20 gallons per minute of AMD with a pH of 5.5 and iron concentration of 30 mg/l. The project is scheduled for completion in the summer of 2005.

Just upstream of this site a lime doser is to be installed at the Crellin borehole. The system will treat an average of 500 gallons of AMD per minute before flowing into Laurel Run, a tributary to Snowy Creek and the Youghiogheny River. The project is slated for completion in the spring of 2006.

### ***AML Program Issues***

There were no AML program issues identified during the evaluation year.

## **V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release**

OSM collects the findings from inspections and other evaluations for a perspective of the number and extent of observed off-site impacts. These findings also include the number of acres that have been mined and reclaimed that meet the bond release requirements for the various phases of reclamation. Individual topic reports that provide additional details on how the following evaluations and measurements were conducted are available by contacting the Pittsburgh Field Division.

### ***Off-Site Impacts***

Off-Site Impacts - OSM's directive governing the oversight of approved State programs, REG-8, includes among its objectives measuring and reporting the number and extent of offsite impacts occurring on active and reclaimed mine sites. Off-site impacts are anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resource (people, land, water, structures).

Maryland conducted 343 complete, routine, compliance inspections on Maryland's sixty-six inspectable units.<sup>9</sup> In order to verify inspection results, OSM accompanied Maryland on twenty-five of the inspections on nineteen permits. These joint inspections included general oversight inspections<sup>10</sup>, citizen complaint inspections<sup>11</sup>, bond release inspections<sup>12</sup>, and Acid Mine Drainage Inventory inspections.<sup>13</sup> Some of the permit sites were reviewed for more than one type of inspection. For each joint inspection, an MDE inspector accompanied the OSM inspector. At the conclusion of each completed inspection, a Mine Site Evaluation Report (MER) was completed. As an attachment to the MER, a data sheet titled "Off-Site Impacts" was also completed, as well as a Performance Tracking Evaluation form which includes off-site impact information. This data was used to characterize the nature and extent of off-site impacts found during the course of the investigation as well as enumerating the number of instances observed.

The data collected, evaluated, and reported consists of the following information:

1. The number and types of impacts
2. Resources impacted (land, water, people, or structures); and
3. The degree of impacts (minimal, moderate, or major).

The data is shown in appendix A, table 4.

Findings were recorded, compiled, and the results analyzed for trends.

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<sup>9</sup> Per BOM permit list as of 6/29/05

<sup>10</sup> Fifteen randomly selected permit sites which were reviewed for all aspects of planning, mining, and reclamation

<sup>11</sup> There was one formal complaint resulting in inspection by OSM

<sup>12</sup> Five sites reviewed for final reclamation prior to bond release

<sup>13</sup> Three sites on the AMD Inventory due to unanticipated acid discharges which are reviewed semi-annually

Of the sixty-six inspectable units, fifty-eight (88%) of the permits exhibited no off-site impacts.

Of the eight sites with impacts, there were a total of thirteen impacts observed. All impacts resulted in State Notice of Violation and Orders (NOVO's), or Cessation Orders (CO's) being written, and all but three violations have been abated.<sup>14</sup>

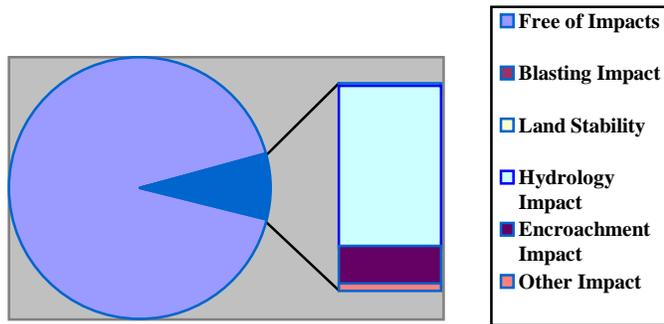
Joint inspections of nineteen of the sixty-six inspectable units are similar to state inspection results with sixteen (84%) exhibiting no off-site impacts.

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<sup>14</sup> SM-92-422 and SM-84-335

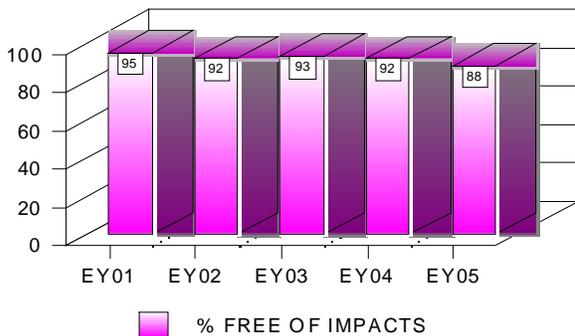
### Off-Site Impacts Distribution '01 to '05

**Historical Comparison** In addition to the current year evaluation, historic trends over the last five years were evaluated as to the number and types of impacts, resources impacted, and severity of impacts. Results indicate that off-site impacts in Maryland are generally minor in nature and occur infrequently. Eighty-eight percent of permit sites were found free of off-site impacts for the current evaluation year (Table 1). Historically, this has held fairly constant over the last five years with an average of 92%.



SITES FREE OF IMPACTS (All Inspections)

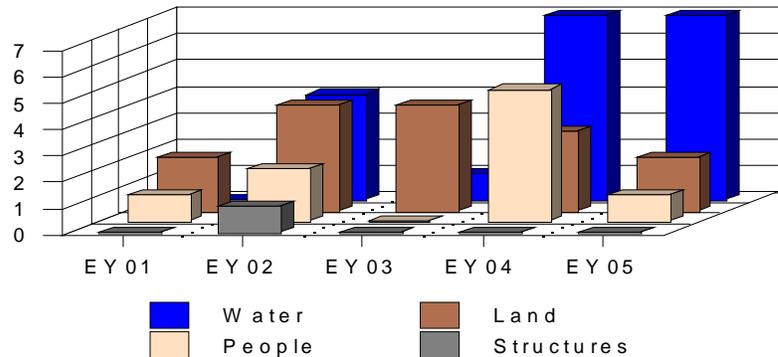
Table 1



When impacts do occur, water and land are the most frequently impacted resources (Table 2). There were no impacts to structures observed during the current evaluation year. The severity of impacts has been predominantly minor in nature with seven major impacts over the last five years. Six of those impacts occurred during evaluation year 2004 and all were hydrology impacts. The seventh occurred during the current evaluation year. Six of the seven affected people, and one affected water resources. The people affects were due to contamination of water wells.

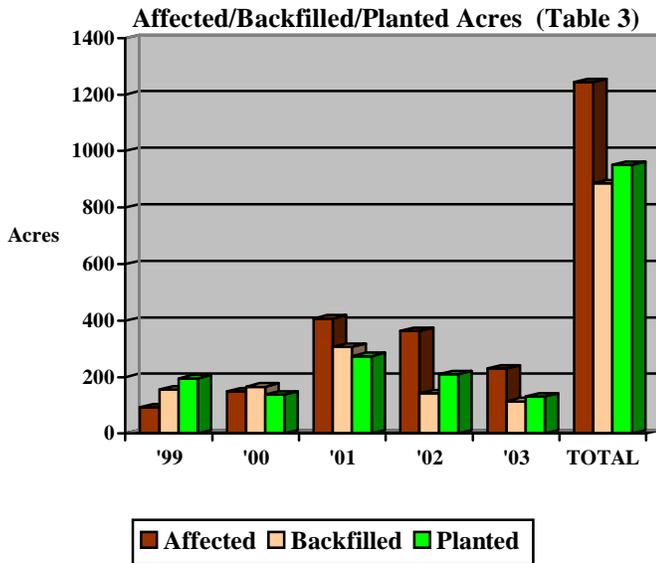
IMPACTED RESOURCES (All inspections)

Table 2



## Reclamation Success

OSM conducted this recurring annual study to evaluate the effectiveness of ensuring successful reclamation on lands affected by surface coal mining operations.<sup>15</sup> The study revealed that reclamation is effective and successful under the Maryland State Program. The Maryland program ensures successful reclamation. Maryland operations continue to improve post mining land capability by remining and reclaiming highwalls, abandoned underground mines and spoil piles.



Five parameters were reviewed to evaluate reclamation success during this study. They were:

- Timeliness of Inspections, Restoration of Land Form/Approximate Original Contour (AOC)
- Restoration of Land Capability, Hydrologic Reclamation
- Contemporaneous Reclamation.

All sites reviewed complied with all criteria for all five parameters with the exception that Maryland is not fully evaluating some aspects of revegetation success in accordance with the approved program.

All but one of the bond release inspections were conducted within the appropriate season.

All of the inspections were completed within the thirty-day limit stipulated by regulation.

As illustrated in table 3, reclamation is occurring in a contemporaneous manner. The cumulative ratio of affected and planted to backfilled acres for the five year period 1999 through 2003 is 71 acres backfilled and 76 acres planted for every 100 acres affected.<sup>16</sup>

During the evaluation year, Maryland's LRC and BOM jointly approved 234 acres and disapproved 69 acres of phase II reclamation. BOM approved 124 acres and disapproved 146 acres of phase III reclamation.<sup>17</sup>

<sup>15</sup> Reclamation Success study, Evaluation Year 2005; Available upon request from the PFD Office.

<sup>16</sup> Source – Maryland Bureau of Mines annual reports, 1999-2003 (latest available information).

<sup>17</sup> CY2004 figures; Approval constitutes the go-ahead for the permittee to apply for bond release inspection.

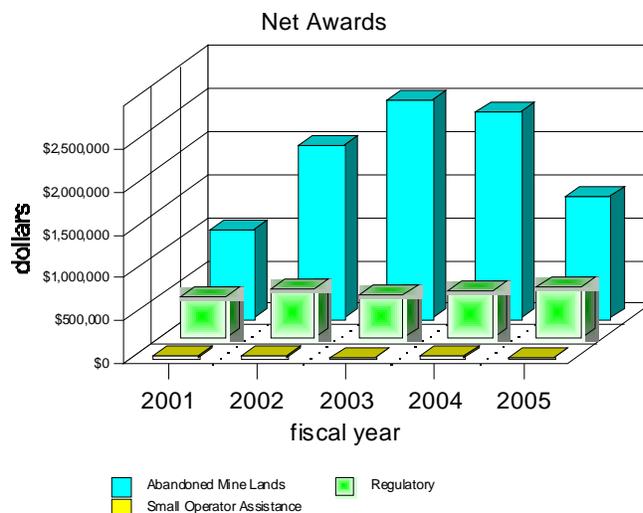
## VI. OSM Assistance

Upon request, OSM provides various types of assistance to MDE in the form of financial, technical, managerial, and training assistance. OSM provided the following assistance to MDE during the evaluation period:

### **Financial Assistance**

As shown in table 9 (Appendix A), OSM awarded \$590,933 in Title V regulatory assistance funding during evaluation year 2005. This is in addition to the \$1,419,130 awarded for the Title IV abandoned mine lands reclamation program.<sup>18</sup> No funds were awarded for the SOAP program as sufficient funds were still available in the FY04 SOAP grant. Table 4 shows comparative grant awards for the three program areas over the last five fiscal years.

Table 4 - Historical Funding Levels



### **Technical Assistance**

During the review period OSM provided the following technical assistance to Maryland:

- Costing a treatment system to address acid mine drainage for a forfeited mine site. OSM provided a hydrologist to review the site, gather data, and use the AMDTREAT program to recommend treatment design and project treatment costs. This assistance is expected to be completed during evaluation year 2006.
- Providing an ACCESS database tracking system for potential use in the inspection program. OSM is coordinating with other states on the availability of similar database tracking systems for use in the permitting function.
- Providing an OSM mining engineer to review Subsidence Control Plans for a home which had planned subsidence and compare with SURFACE DEFORMATION PREDICTION SYSTEM (SDPS) software model.
- Providing Federal Reclamation Program personnel to assist in investigation of a landslide suspected of being associated with mine subsidence.
- Reclamation of a dangerous gob pile and mitigating a mine blowout for protection of residents under the Federal AML emergency program.
- Providing a PDA device and GEOEXPLORER Global Positioning System unit for use in the administration of the approved program.

<sup>18</sup> Includes \$115,210 for Appalachian Clean Streams Initiative Projects

- Review of six NEPA project submissions and granted authorizations to proceed for each project.
- Reviewing a potential emergency project which was referred to OSM by Maryland and was approved for construction.
- Participation in quarterly meetings for the Appalachian Clean Streams Program
- Reviewing the Garrett County Economic Development Committee accounting practices to assure proper procedures were in place to manage the financial and administrative aspects of federal cooperative agreements for watershed projects. The Committee's practices were approved and they received a cooperative agreement.

## **VII. General Oversight Topic Reviews**

In addition to the studies to assess off-site impacts and evaluate the effectiveness in achieving successful reclamation, OSM conducted five additional studies during the evaluation period in accordance with the OSM/MDE evaluation year 2005 work plan. The results of the studies are discussed below. OSM will work with MDE in the next evaluation period to resolve issues raised as a result of these studies.

### ***Customer Service***

Customer Service is fundamental to the regulation and oversight of surface coal mining and reclamation programs. Public participation in the permitting process is an important aspect of this service. OSM conducted a study<sup>19</sup> to review the execution of administrative and regulatory procedures adopted by Maryland which deal with public participation in the permitting process. The purpose was to assure compliance with Maryland's approved program and associated federal regulations.

Review of Maryland's management of this process revealed that Maryland is responsive to public concerns in the permit review process and is generally in compliance with program requirements. Exceptions include the area of government agency notification where documentation was sometimes missing, and in the publication of a request for comments on the reclamation plan. Coordination is ongoing to resolve these issues.

### ***Performance Monitoring***

OSM conducted a study during the evaluation period<sup>20</sup> to assess the general impact of planning, mining, and reclamation activities on the effectiveness of the Maryland Program in controlling adverse environmental impacts during and after mining. Inspections of Maryland mine sites included in-depth review of twenty-three general performance standards for planning, mining, and reclamation of permit sites in the State and more than one hundred associated programmatic requirements.

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<sup>19</sup> Maryland Public Participation in the Permit Process, evaluation year 2005. Copies available from the PFD office upon request.

<sup>20</sup> Maryland Performance Monitoring, Off-Site Impacts combined report, Evaluation Year 2005. Copies available from the PFD office upon request.

Based on this review, Maryland's approved program is successful in planning for and controlling adverse environmental impacts both during and after mining. Maryland continues to emphasize re-mining, and has been especially effective in working with the mining industry to reclaim previous mining features such as highwalls, underground mines, and spoil piles, resulting in significant savings for reclamation of features which might otherwise require funding under the Abandoned Mine Lands program. In order to continue the goal of constant program improvement, Maryland should assure that all violations are cited during inspections of permitted sites. Coordination is ongoing to resolve these issues.

## ***Subsidence Procedures***

OSM conducted a study during the evaluation period to review the implementation and results of the Maryland Bureau of Mines (BOM) regulations relating to subsidence and assure compliance with program requirements. This included compliance with requirements designed to minimize subsidence, and mitigate effects of subsidence.

The study found that Maryland generally complies with approved program requirements relating to subsidence. Citizen complaints related to subsidence were rare. Permittees go to great lengths to assure that a "good neighbor policy" existed with surface owners. Survey requirements, buffer zone requirements, and scheduling requirements were all being met.

Several recommendations were made to improve the program:

- Maryland should take steps to strengthen inspection and oversight processes in several areas. In the area of surface owner protection, as part of a complete inspection, Maryland should include the review of structures and features following longwall mining under these properties. This should help Maryland fulfill its responsibility in determining whether operators are complying with reporting and mitigation requirements when damage or water loss occurs.
- Maryland should consider adopting a public information program targeting surface owners of potential subsidence damage areas to assure they know their mitigation and restoration rights under the program.
- Maryland should consolidate information in the subsidence control plan into one document, and consider standardizing the public notice document.
- Maryland should take measures to implement the program amendment relating to subsidence which was approved by OSM last year.

Coordination is ongoing to resolve these issues.

## ***Implementation of 1996 FWS Biological Opinion***

The objective of this study was 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 (SMCRA). The subject Biological Opinion (BO) was the result of 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 the 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.

The study found that the approved Maryland program regulations contained all necessary requirements for compliance with the 1996 BO. All required notification actions to the State and Federal fish and wildlife agencies were being carried out. The fish and wildlife protection and enhancement plan, included in the permit, addressed all required areas, and there was no evidence that mining and reclamation operations were in violation of any permit conditions relating to the protection of fish and wildlife.

Two recommendations were made to further improve the program:

- Permit applications should be updated to include additional descriptive information on Fish and Wildlife Resource resources and the level of detail should be coordinated with State and Federal fish and wildlife agencies.
- Additional information in prospecting permit applications is required to identify unique value habitats.

Coordination is ongoing to resolve these issues.

### ***Core Data Updates***

The objective of this study was to review Maryland's program database to determine if it included information required in the REG-8 data tables and other information necessary to administer the program.

The study found that the electronic database system in use for the approved Maryland program is presently comprised of multiple programs which either do not relate to one another, or have insufficient programming and/or data fields to automatically generate the information required to complete the tables required under OSM Directive REG-8, or inspectable units information required by Directive INE-29. To address these deficiencies, Maryland maintains much of the information required to complete the REG-8 tables manually on logs and ledgers. This method is much less efficient than maintaining the data electronically and inherently has more chance for error.

Recommendations were made to improve efficiency by taking a relational database programming approach. This will improve filtering capabilities and provide more flexibility in adding new data fields required to complete the REG-8 tables. The BOM is presently considering adoption of the Tools for Environmental Protection and Management Organizations (TEMPO) software program to manage their database needs. This is a statewide system. In the interim, OSM will assist the BOM in exploring use of other approved State program coal database management systems which may be compatible with Maryland's access database files.

### ***Drawdown Analysis and Audit***

The OSM grants staff conducted two Quarterly Drawdown Analyses at the MDE during evaluation year 2005. They were conducted in accordance with the Department of Treasury

Fiscal Requirements Manual 6-2080.20, which requires that periodically, but not less than each calendar quarter, the Federal program agency shall review each recipient's use of funds advanced. To satisfy this requirement, OSM determined that there was no difference between the total amount of funds drawn via the Drawdown Express and disbursements related to the Federal program, and that cash was being withdrawn in accordance with program disbursement needs.

Treasury Circular 1075 (31 CFR 205) requires that cash advances to a recipient organization shall be limited to the minimum amounts needed, and shall be timed to be in accord only with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization. There were no discrepancies related to this requirement.

MDE's drawdown activities were therefore found to comply with both of these requirements.

There were no audit findings referred to OSM for disposition by MDE during this evaluation year.

## **APPENDIX A (REG-8 tables)**

These tables present data pertinent to mining operations and State and Federal regulatory activities within Maryland. They also summarize funding provided by OSM and MDE staffing. Unless otherwise specified, the reporting period for the data contained in all tables is July 1, 2004, to June 30, 2005. Additional data used by OSM in its evaluation of MDE's performance is available for review in the evaluation files maintained by the PFD office.

**TABLE 1 – Coal Production**

Maryland EY05

**TABLE 1**

<b>COAL PRODUCTION</b> <b>(Millions of short tons)</b>			
<b>Period</b>	<b>Surface mines</b>	<b>Underground mines</b>	<b>Total</b>
Coal production <sup>A</sup> for entire State:			
Annual Period			
<b>2002</b>	1.835	3.172	<b>5.007</b>
<b>2003</b>	1.759	3.433	<b>5.192</b>
<b>2004</b>	2.014	3.370	<b>5.384</b>
<b>Total</b>	<b>5.608</b>	<b>9.975</b>	<b>15.583</b>

A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production. **Provide production information for the latest three full calendar years to include the last full calendar year for which data is available.**

**TABLE 2 – Inspectable Units**

Maryland EY05

**TABLE 2**

<b>INSPECTABLE UNITS</b>													
<b>As of June 30, 2005</b>													
<b>Coal mines and related facilities</b>	<b>Number and status of permits</b>								<b>Insp. Units<sup>D</sup></b>	<b>Permitted acreage<sup>A</sup> (hundreds of acres)</b>			
	<b>Active or temporarily inactive</b>		<b>Inactive<sup>E</sup></b>		<b>Abandoned</b>		<b>Totals</b>						
			<b>Phase II bond release</b>										
	<b>IP</b>	<b>PP</b>	<b>IP</b>	<b>PP</b>	<b>IP</b>	<b>PP</b>	<b>IP</b>	<b>PP</b>		<b>IP</b>	<b>PP</b>	<b>Total</b>	
<b>STATE AND PRIVATE LANDS REGULATORY AUTHORITY: STATE</b>													
Surface mines		53		0		3		0	56		54.9	54.9	
Underground mines		4		0		1		0	5		9.25	9.25	
Other facilities		5		0		0		0	5		1.1	1.1	
Subtotals		0	62	0	0	0	4	0	66	0	0	65.25	65.25
<b>FEDERAL LANDS REGULATORY AUTHORITY: STATE</b>													
Surface mines								0	0			0	
Underground mines								0	0			0	
Other facilities								0	0			0	
Subtotals		0	0	0	0	0	0	0	0	0	0	0	
<b>ALL LANDS<sup>B</sup></b>													
Surface mines		53		0		3		0	56		54.9	54.9	
Underground mines		4		0		1		0	5		9.25	9.25	
Other facilities		5		0		0		0	5		1.1	1.1	
Totals		0	62	0	0	0	4	0	66	0	0	65.25	65.25
Average number of permits per inspectable unit (excluding exploration sites)									<u>1</u>				
Average number of acres per inspectable unit (excluding exploration sites)									<u>81</u>				
Number of exploration permits on State and private lands: <u>2</u>									On Federal lands <sup>C</sup> :		<u>0</u>		
Number of exploration notices on State and private lands: <u>8</u>									On Federal lands <sup>C</sup> :		<u>0</u>		
<b>IP:</b> Initial regulatory program sites <b>PP:</b> Permanent regulatory program sites  <sup>A</sup> When a unit is located on more than one type of land, include only the acreage located on the indicated type of land. <sup>B</sup> Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories. <sup>C</sup> Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management. <sup>D</sup> Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs. <sup>E</sup> Unable to determine number of permits with all phase II bond released since release occurs on segments													

**TABLE 3 – State Permitting Activity**

Maryland EY05

**TABLE 3**

<b>STATE PERMITTING ACTIVITY</b>												
<b>As of June 30, 2005</b>												
<b>Type of Application</b>	<b>Surface mines</b>			<b>Underground mines</b>			<b>Other facilities</b>			<b>Totals</b>		
	<b>App. Rec.</b>	<b>Issued</b>	<b>Acres</b>	<b>App. Rec.</b>	<b>Issued</b>	<b>Acres<sup>A</sup></b>	<b>App. Rec.</b>	<b>Issued</b>	<b>Acres</b>	<b>App. Rec.</b>	<b>Issued</b>	<b>Acres</b>
New Permits	2	2	87							2	2	87
Significant Revisions	2	2	43									43
Renewals	5	7	662	1	0	0				6	7	662
Transfers, sales and assignments of permit rights	2	0					1	1		3	1	
Small operator assistance	1	0								1	0	
Exploration permits	2	2								2	2	
Exploration notices <sup>B</sup>		8									8	
Revisions (exclusive of incidental boundary revisions)		25			2						27	
Incidental boundary revisions		7	17					1	1		8	18
<b>Totals</b>	<b>14</b>	<b>53</b>	<b>809</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>14</b>	<b>55</b>	<b>810</b>

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions. \_\_\_\_\_

<sup>A</sup> Includes only the number of acres of proposed surface disturbance.

<sup>B</sup> Approval not required when RA reviews a notice and determines the operation will not cause substantial damage to the surface or cause harm to water or water supplies. Involves removal of less than 250 tons of coal and does not affect lands designat

**TABLE 4 – Off-Site Impacts**

Maryland EY05

**TABLE 4**

<b>OFF-SITE IMPACTS</b>													
<b>RESOURCES AFFECTED</b>		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>		
<b>DEGREE OF IMPACT</b>		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
<b>TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE</b>	Blasting												
	Land Stability												
	Hydrology	7	1		1			3	2				
	Encroachment	2			1	1							
	<b>Total</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total number of inspectable units:					62								
Inspectable units free of off-site impacts:					56								
<b>OFF-SITE IMPACTS ON BOND FORFEITURE SITES</b>													
<b>RESOURCES AFFECTED</b>		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>		
<b>DEGREE OF IMPACT</b>		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
<b>TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE</b>	Blasting												
	Land Stability												
	Hydrology	4		1				2	1				
	Encroachment												
	<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total number of inspectable units:					4								
Inspectable units free of off-site impacts:					2								

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

**TABLE 5 – Annual State Mining and Reclamation Results**

Maryland EY05

**TABLE 5**

<b>ANNUAL STATE MINING AND RECLAMATION RESULTS</b>		
<b>Bond release phase</b>	<b>Applicable performance standard</b>	<b>Acreage released during this evaluation period</b>
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	85.00
Phase II	- Surface stability - Establishment of vegetation	171.50
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	85.00
	<b>Bonded Acreage Status<sup>A</sup></b>	<b>Acres</b>
Total number of acres bonded at end of last review period (June 30, 2004) <sup>B</sup>		6,103.00
Total number of acres bonded during this evaluation year		313.00
Number of acres bonded during this evaluation year that are considered re-mining, if available		NA
Number of acres where bond was forfeited during this evaluation year (also report this acreage on Table 7)		11.00

<sup>A</sup> Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations.

<sup>B</sup> Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).

**TABLE 7 – State Bond Forfeiture Activity**

Maryland EY05

**TABLE 7**

<b>STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)</b>		
<b>Bond Forfeiture Reclamation Activity by SRA</b>	<b>Number of Sites</b>	<b>Acres</b>
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2004 (end of previous evaluation year) <sup>A</sup>	2	122.00
Sites with bonds forfeited and collected during Evaluation Year 2005 (current year)	1	11.00
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2005 (current year)	1	12.00
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2005 (current year)	0	0.00
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2005 (end of current year) <sup>A</sup>	4	110.00
Sites with bonds forfeited but uncollected as of June 30, 2004 (end of current year)	0	0.00
<b>Surety/Other Reclamation (In Lieu of Forfeiture)</b>		
Sites being reclaimed by surety/other party as of June 30, 2004 (end of previous evaluation year) <sup>B</sup>	0	0.00
Sites where surety/other party agreed to do reclamation during Evaluation Year 2005 (current year)	0	0.00
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2005 (current year)	0	0.00
Sites with reclamation completed by surety/other party during Evaluation Year 2005 (current year) <sup>C</sup>	0	0.00
Sites being reclaimed by surety/other party as of June 30, 2005 (current evaluation year) <sup>B</sup>	0	0.00
<sup>A</sup> Includes data only for those forfeiture sites not fully reclaimed as of this date <sup>B</sup> Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date <sup>C</sup> This number also is reported in Table 5 as Phase III bond release has been granted on these sites		

**TABLE 8 – State Staffing Levels**

Maryland EY05

**TABLE 8**

<b>MARYLAND STAFFING</b> (Full-time equivalents at the end of evaluation year)	
<b>Function</b>	<b>EY 2005</b>
<b>Regulatory Program</b>	
Permit review	3.85
Inspection	4.40
Other (administrative, fiscal, personnel, etc.)	3.00
<b>Regulatory Program Total</b>	<b>11.25</b>
<b>AML Program Total</b>	<b>3.45</b>
<b>TOTAL</b>	<b>14.70</b>

**TABLE 9 – Grant Funding**

**TABLE 9**

<b>FUNDS GRANTED TO MARYLAND BY OSM (Millions of dollars) EY 2005</b>		
<b>Type of Grant</b>	<b>Federal Funds Awarded</b>	<b>Federal Funding as a Percentage of Total Program Costs</b>
Administration and Enforcement	\$590,933.00	50
Small Operator Assistance	\$35,000.00	100
<b>Totals</b>	<b>\$625,933.00</b>	

**TABLE 10 – State Inspection Activity**

**TABLE 10**

<b>STATE OF MARYLAND INSPECTION ACTIVITY</b>		
<b>PERIOD: JULY 1, 2004 - JUNE 30, 2005</b>		
<b>Inspectable Unit Status</b>	<b>Number of Inspections Conducted</b>	
	<b>Complete</b>	<b>Partial</b>
Active*	343	596
Inactive*		
Abandoned*		
<b>Total</b>	<b>343</b>	<b>596</b>
<b>Exploration</b>		

\* Use terms as defined by the approved State program.

State should provide inspection data to OSM annually, at a minimum, and maintain inspection data on a continual basis. OSM offices responsible for Federal and Indian Programs need not complete this table since data will be queried from the I & E Tracking System.

**TABLE 11 – State Enforcement Activity**

**TABLE 11**

<b>STATE OF MARYLAND ENFORCEMENT ACTIVITY</b>		
<b>PERIOD: JULY 1, 2004 - JUNE 30, 2005</b>		
<b>Type of Enforcement Action</b>	<b>Number of Actions*</b>	<b>Number of Violations*</b>
<b>Notice of Violation</b>	20	27
<b>Failure-to-Abate Cessation Order</b>		
<b>Imminent Harm Cessation Order</b>	2	2

\* Do not include those violations that were vacated.

State should provide enforcement data to OSM annually, at a minimum, and maintain data on a continuous basis. OSM offices responsible for Federal and Indian Programs need not complete this table since data will be queried from the I & E Tracking System.

**TABLE 12 – Lands Unsuitable Activity**

Maryland EY05

**TABLE 12**

<b>LANDS UNSUITABLE ACTIVITY</b>			
<b>PERIOD: JULY 1, 2004 - JUNE 30, 2005</b>			
Number of Petitions Received	0		
Number of Petitions Accepted	0		
Number of Petitions Rejected	0		
Number of Decisions Declaring Lands Unsuitable	0	Acreage Declared as Being Unsuitable	0
Number of Decisions Denying Lands Unsuitable	0	Acreage Denied as Being Unsuitable	0

State should provide lands unsuitable data to OSM annually if there is any activity in this program area. OSM OFFICES RESPONSIBLE FOR FEDERAL AND INDIAN PROGRAM STATES MUST ALSO COMPLETE THIS TABLE.

## **APPENDIX B**

## Maryland Comments and Disposition



### MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

#### Water Management Administration

Mining Program – Bureau of Mines

160 South Water Street  
Frostburg, Maryland 21532  
301-689-6104

Kendl P. Philbrick  
Secretary

Jonas A. Jacobson  
Deputy Secretary

September 2, 2005

Mr. George J. Rieger, Chief  
Pittsburgh Field Division  
Office of Surface Mining  
Three Parkway Center  
Pittsburgh, PA 15220

Dear Mr. Rieger:

Having reviewed the 2005 Maryland Annual Evaluation Summary Report, we have only one comment. At the top of page 15, under the heading "Citing Violations," we believe this issue has been studied sufficiently to prove that there is no statistical validity to the premise as stated and therefore there is no issue. Continued monitoring of Maryland's patterns of issuing violations is welcome, but there is no justification to leave that heading and narrative in the report as it can only project to the reader that there is an issue. Therefore we respectfully request that the "Citing Violations" topic be taken out of the report.

Otherwise, we believe the report fairly represents Maryland's program and appreciate the efforts required to provide such a complete and comprehensive report.

Thank you for the opportunity to review and comment on this document.

Sincerely,

C. Edmon Larrimore, Program Manager  
MDE, Mining Program

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## United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Pittsburgh Field Division

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415 Market St., Rm. 304  
Harrisburg, PA 17101  
717-782-4036

**SEP 13 2005**

C. Edmon Larrimore, Administrator  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

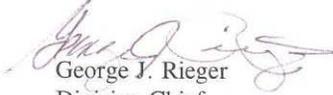
Dear Mr. Larrimore:

Thank you for your comments of September 2 regarding Maryland's draft annual oversight report. Per your suggestion, I have revised the title of the paragraph dealing with patterns of issuing violations. I have also acknowledged the improvement Maryland has made over the last several years in citing violations. However, I still feel this is an important area of concern and discussion of it is part of our review of the Maryland program. We will continue to monitor this situation in an effort for continued program improvement. With your assistance, I am confident we can sustain the high level program performance.

I have enclosed a final copy of the Maryland evaluation year 2005 summary report for your records.

Thank you and your staff for the input and cooperation we received in preparing this report. If you have any questions or wish to discuss this report further, please call me at 717-782-4849.

Sincerely,

  
George J. Rieger  
Division Chief

Enclosure

cc: Scott Boylan (w/Enclosure)  
John Carey (w/Enclosure)  
Mike Garner (w/Enclosure)  
Al Hooker (w/Enclosure)

