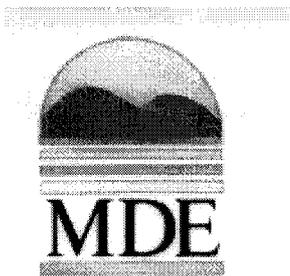

Oversight Workplan

Evaluation Year 1998

(October 1, 1997 to September 30, 1998)

Maryland Department of the Environment



and



The Office of Surface Mining
Reclamation and Enforcement

October, 1997

TABLE OF CONTENTS

Oversight Workplan	3
Program Evaluation	5
Inspections	6
Performance Monitoring	7
Reclamation Success	9
Violations with Offsite Impacts	11
Acid Mine Drainage Inspections	13
Citizen Complaints	15
Post Phase III Reclamation Success	17
Administrative Evaluation	19
Audits	20
Drawdown Analysis	21
AML and SOAP Procurement Review	23
Assistance	25
Automated Data Base Collection System	26
Remining	28
Appalachian Clean Streams Initiative	30
Public Outreach	32
Abandoned Mine Lands Inspections and Oversight	34
Appendix A	36
MEIR Form	37
Acid Mine Drainage Inspection Report Form	38
Off-Site Impact Worksheet	39
MEIR Supplement	40
Appendix B	44
EY 1998 Projected Inspections	45

Oversight Workplan

Purpose:

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

The purpose of this Oversight Workplan between the Pittsburgh Oversight and Inspection Office (POIO) , Office of Surface Mining Reclamation and Enforcement, and the Maryland Department of the Environment (MDE), is to:

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

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

SIGNATURES:

Representing

The Maryland Department of the Environment

and the

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

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

George J. Rieger

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

Anthony F. Abar

Director, Mining Program
Maryland Department of Environment

Program Evaluation

Inspections

Fifty one¹ inspections will be conducted for topic-specific evaluations during the evaluation year(s). the topics evaluated are broken down as follows:

- 24 inspections - Randomly selected active and inactive sites for evaluation of performance monitoring and off-site impacts.
- 12 inspections - Non-randomly selected active and inactive sites for evaluation of reclamation success, hydrologic monitoring, and off-site impacts.
- 6 inspections - Randomly selected citizen complaint sites
- 6 inspections - Post phase III reclamation success inspections
- 3 inspections - Non-randomly selected active sites for evaluation of acid mine drainage potential.

¹For each increase in AMD inspections (up to 3 additional), Performance Monitoring inspections will be reduced by two (to a minimum of 18 Performance Monitoring inspections)

Performance Monitoring

Goal:

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

Background:

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

Scope:

During the current evaluation year the Pittsburgh Oversight and Inspection Office will conduct 24 inspections on randomly selected permits to facilitate performance monitoring. The inspections will be complete inspections in the company of the State mine inspector when possible.

Methodology:

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

In addition to the MEIR, the inspector will complete a data collection form titled "MEIR Supplement". This form requires specific answers on a diverse range of information from land uses and impacts of mining to water resources, reclamation information and site evaluation data. The MEIR Supplement form can also be found in Appendix A.

Report:

The information from the MEIR Supplement will be used to evaluate reclamation success and on-

the-ground results. The data on the form will be compiled into a database management program. The results will be analyzed for trends defining the way industry plans, mines and reclaims land and the response of Maryland to any adverse impacts resulting from the mining.

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

The final report will be completed by September 1, 1998.

Reclamation Success

Goal:

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

Background:

The Pittsburgh Oversight and Inspection Office has historically examined mine sites in various stages of bond release to evaluate Maryland's program with regard to release procedures and on-the-ground results. In past evaluation years, the Pittsburgh Oversight and Inspection Office has been notified of MDE's impending release inspection and conducted the inspection jointly with MDE.

Scope:

The Pittsburgh Oversight and Inspection Office will continue the bond release study in evaluation year 1998. As in past evaluation years, the sites to be inspected will be selected from sites with impending release inspections scheduled by MDE. A joint inspection of the site will then be conducted with the inspector or forester, as appropriate. Twelve inspections will be conducted of stage three release sites. If twelve phase III release sites are not available, OSM will look at stages I and II release sites. In addition, the history of all three stages of release will be reviewed for these sites to generate data required under OSM Directive REG-8.

Methodology:

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

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

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

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

Area 3), Hydrologic Reclamation, will be measured by achievement of groundwater recharge capacity and surface and ground water quantity and quality restoration. The acres approved in the phase III release will be used to document this measurement.

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

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

The final report will be completed by August 15, 1998.

Violations with Offsite Impacts

Goal:

This study will be conducted with the intent of 1) determining the frequency of occurrence of violations with offsite impacts and, 2) reviewing Maryland's response to violations with offsite impacts when they occur.

Background:

OSM's directive governing the oversight of approved State programs, REG-8, lists several objectives for evaluating the success of states in implementing their approved programs to meet the performance standards of SMCRA. One of these objectives is to measure and report on the effectiveness of a State's implementation of the environmental performance standards of SMCRA both during and after mining and reclamation. The strategy for achieving this objective includes reporting the number and extent of observed and unresolved instances of violations with offsite impacts.

Scope:

The Pittsburgh Oversight and Inspection Office will be examining a total of 36 mine sites for on-the-ground impacts associated with mining. 24 of the mine sites will be randomly selected active and inactive sites. An additional 12 active and inactive non-randomly selected sites (reclamation success sites) will also be inspected for violations with off-site impacts.

Methodology:

Information concerning the inspection will be recorded on the standard MEIR form. The first and second page of the MEIR will contain information concerning the site status and the status of any performance standards found to be in violation. The form titled "Violations with offsite impacts" will be completed for each inspection conducted. This form, found in Appendix A will contain information on: the type of impact, the number of incidences, the degree of impact (minimal, moderate, major), a determination if the impact was mitigated, and the actions taken by MDE to cite the incident and contain damage. The impacts will be limited to those observed in the field during the oversight inspection or those based on inspection reports or technical investigations when the impacts identified in those documents are still occurring. Information from the MEIR will be compiled into a table delineating the resources affected by the impact, the degree of impact, whether the impact was repairable, and whether the impact was mitigated. The data collection sheets will be used to define the scope of violations with offsite impacts and the response by MDE to assuring the

impacts are properly addressed and contained. The MEIR violation citation data will be used to determine MDE's enforcement response to any violations with offsite impacts found.

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

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

The final report will be completed by August 15, 1998.

Acid Mine Drainage Inspections

Goal:

To identify actual and potential Acid Mine Drainage (AMD) producing sites and make recommendations for corrective and preventative measures.

Background:

Recognizing that AMD prevention and the protection of water resources is the key to successful reclamation, the Pittsburgh Oversight and Inspection Office in partnership with the State, has conducted AMD inspections during the last three evaluative years at active surface mine sites. Utilizing an established inspection protocol, the State/Federal team has been successful in collecting data, making observations and drawing conclusions about a particular site's potential for creating an AMD problem in the future. The information collected during these inspections can be utilized for an AMD geographic information system (GIS) database.

Scope:

During the evaluation year, the Pittsburgh Oversight and Inspection Office will jointly conduct three AMD inspections at active mining sites in Maryland. At least one of the AMD site inspections will be done as a follow-up to an AMD inspection done in evaluation year (EY) 1997 to further monitor AMD at the site. The inspections will be done with State personnel consisting of Permitting and Inspection Branch officials. Toxic materials handling plans, overburden analysis and drilling logs will be examined to further refine inspection monitoring and insure accuracy and field utilization of this information. GPS units will be utilized in recording field collected data in conjunction with laboratory test results.

Methodology:

Data from the three inspections will be recorded in the AMD Inspection Report (Appendix A). The data will be analyzed with conclusions and recommendations made. Laboratory sample results will be made part of the report. GPS data will be utilized, if possible, for incorporation into a GIS database.

Report:

Findings and recommendations will be made as needs dictate. The findings and recommendations of the inspection team will be incorporated into the Annual Evaluation Report. The report will be

forwarded to MDE for review and comments prior to finalization.

Schedule:

The Annual Evaluation Report will be drafted and forwarded to Maryland for comment by November 1, 1998.

Citizen Complaints

Goal:

To evaluate the timeliness of citizen complaint responses and review the responses for appropriate action.

Background:

OSM's directive governing the oversight of approved State programs, REG-8, lists several areas for evaluating the success of States in implementing their approved programs to meet the customer service standards of SMCRA. One of these areas is to measure and report on the effectiveness of a State's handling of citizen complaints. In past evaluation years, the Pittsburgh Oversight and Inspection Office has routinely evaluated this concern.

Scope:

The Pittsburgh Oversight and Inspection Office will examine all citizen complaints received and recorded by Maryland in accordance with the approved program from October 1, 1997, through March 31, 1998. Data will be limited to the information specified under the Methodology section.

Methodology:

A data collection form will be developed to record citizen complaint information. The date of the complaint, date investigated, number of days taken to conduct an investigation, the enforcement action taken, if any, the date the report was sent to the complainant, and whether or not any appeals were filed will be tabulated. The data will be used to compile a listing of the number of complaints, number of inspections, and number of enforcement actions, if any. The data will also be used to examine the timeliness of the response, whether any enforcement actions subsequently issued, followed the approved program guidelines, and if the other requirements of COMAR 26.20.31.05 concerning citizen participation were followed. Joint OSM/Maryland Inspections will be conducted on six selected complaint sites to verify the data.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization.

Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

The final report will be completed by July 15, 1998.

Post Phase III Reclamation Success

Goal:

To evaluate the success of reclamation beyond the release of Phase III bond.

Background:

Phase III bond liability continues for at least 5 years beyond the last augmented seeding, fertilizing, irrigation, or other reclamation work on a mine site. After Maryland determines that the permittee has successfully completed all surface coal mining and reclamation operations in accordance with the approved reclamation plan and achieved compliance with the requirements of the regulatory program, phase III bond is released. The release of phase III bond is based on the assumption that the probability of any environmental problems occurring after release is remote.

Scope:

The Pittsburgh Oversight and Inspection Office will conduct inspections to determine whether environmental problems have occurred at varying lengths of time following the release of phase III bond and whether any steps can be taken to reduce the likelihood of the occurrence of post phase III bond release environmental problems.

Methodology:

6 inspections will be conducted targeted to permits for which phase III bond release has occurred from one to six years prior. Forms will be created to evaluate and record the various reclamation success indicators on the sites, including vegetative success and/or productivity, erosion control, land and permanent structure stability, water quality and quantity, and post use.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to Maryland for review and comment prior to finalization.

Schedule:

The review will begin April, 1998 and be completed September 1, 1998.

Administrative Evaluation

Audits

Goal:

Performance of all required audits and implementation of appropriate recommendations.

Scope:

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

Methodology:

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

Report:

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

Schedule:

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

Drawdown Analysis

Goals:

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

Background:

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

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

Scope:

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

Methodology:

Procedures for reviews are outlined in the FAM Chapter 5-55-50. A Level I review will be conducted by the new Grants Specialist during the fiscal year in order to understand the State's system(s) for requesting and disbursing Federal Funds. This review will be used as a baseline review to determine subsequent review needs.

Report:

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

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

(c) the available balance for a grant.

Schedule:

The review will begin October 1, 1997 and be completed September 30, 1998.

AML and SOAP Procurement Review

Goal:

To determine whether procedures for procurement and management of services acquired with federal funds under the AML and SOAP programs are adequate and followed. Review of recipient's procurement system can assist the State by identifying irregularities and assuring proper internal management controls.

Background:

The Office of Management and Budget (OMB) Circular A-102 Common Rule states that in order for federal funds to be allowable for expenditure under a grant program, the costs must be necessary, reasonable, and allocable and that a State may use its own Procurement Regulations when procuring goods and services under the Grant.

Scope:

Maryland's AML and SOAP procurement procedures and practices will be reviewed to determine whether State procurement regulations are being followed in such matters as cost, quality, delivery, competition, source selection, and sub-contract administration.

Methodology:

A cross section of various contract types, at various stages, will be selected to arrive at an acceptable confidence level. The review will be conducted on site, with initial information gathering being conducted by phone and written correspondence. Samples of construction contracts, professional services contracts, maintenance contracts, and service related contracts will be reviewed. These documents and related files will be compared to State established requirements for selection, documentation, award and monitoring. Close coordination and free exchange of ideas with the State will occur throughout the review process.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland. The report will detail the steps taken, persons contacted, and actual contracts and files reviewed.

Schedule:

The review will start October 1, 1997 and be finalized by September 30, 1998.

Assistance

Automated Data Base Collection System

Goal:

To review Maryland's automated data base system for maximum use of data, fulfillment of database requirements, and exchange of information, in accordance with the requirement for data collection and reporting under OSM Directive REG8.

Background:

Directive REG8 requires that, "To the extent practical, OSM and the State, as a part of a PA, will establish a joint OSM-State database that will be maintained and updated by the State in a timely manner. Such a database will maximize consistency, minimize duplicative efforts, and reduce the need for document review. In States where databases are not developed or during the time that data bases are being developed, OSM and the State should develop an understanding on the data that will be shared and how such data sharing will be accomplished." In the area of Bond Release REG 8 requires that States and OSM will work together to capture bond release data necessary to measure program performance. Maryland has developed an automated database system to replace current manual recording of program data. The system is currently in the Alpha phase of development (in-house) and is not considered as the official data system for the Maryland Program. OSM has an interest in the data which is being maintained in order to meet oversight responsibilities of REG8

Scope:

A review will be undertaken of the capabilities of Maryland's automated database system in providing the information and data sharing requirements of OSM directive REG-8.

Methodology:

The review will be conducted on site, with initial information gathering being conducted by phone and written correspondence. Data fields, reports, compatibility w/existing OSM systems, hardware, etc. will be reviewed. The data available on Maryland's automated database system will be compared to the information required to meet the oversight requirements of REG8 and goals of SMCRA.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate on the ability of the system in the areas of efficiency, minimizing duplication, and reducing the need for document review. The report will be forwarded to MDE for review and comments prior to finalization.

Schedule:

The review will begin December, 1997 and be finalized by March 1, 1998.

Remining

Goal:

To define what incentives may be applicable to remining and to promote remining activities.

Background:

The Office of Surface Mining has initiated several initiatives under the Remining for Real program designed to facilitate remining and reclamation of previously mined and abandoned sites. The Energy Policy Act of 1992 in part amended sections 404, 510, 515(b)(20), and 701 of SMCRA in order to provide the following incentives to encourage, in an environmentally-sound manner, the remining of lands eligible for expenditures under sections 402(g)(4) and 404 SMCRA: (1) The permittee of such remaining operations shall not be subject to permit blocking under section 510(c) of SMCRA for any violation resulting from an unanticipated event or condition occurring on the remining site; and (2) The period of responsibility for successful revegetation for such remining operations is reduced to five years in the West and two years in the East.

Scope:

During the evaluation year, the Pittsburgh Oversight and Inspection Office will continue in partnership with Maryland to define and implement various remining initiatives. The initiatives may include but are not necessarily limited to the following:

1. Creation of a structured plan and program for remining opportunities.
2. Outreach efforts with industry, the Land Reclamation Committee and other interested parties.
3. Communications and information exchange through the remining team on what other states are doing in the area of remining.
4. Discussions on new incentives that could be incorporated into Maryland's approved program.

Identification of 1-2 sites for promotion of remining and ways to resolve site-specific barriers to remining.

Methodology:

Two to four meetings will be arranged between Maryland and POIO to create a structured plan for remining opportunities in Maryland. Minutes from OSM remining committee meetings will be shared with Maryland by the POIO representative to keep current on remining activities in other states. Data on the potential remining sites and the acreage they encumber will be gathered to define the scope of the problem and to produce a cost benefit analysis to use as a basis for implementing any incentives. The data should include features of the sites, on and off site impacts consequential to mining, potential reserves, and any impediments to permitting of the site.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate summarizing the status of sites that are identified for promotion of remining, potential impediments to permitting the sites and the benefits to industry and the environment for conducting the remining. The report will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

To be determined.

Appalachian Clean Streams Initiative

Goal:

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

Background:

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

Scope:

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

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

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

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

Methodology:

Outreach -

Participate with State, industry, and private citizens on the Maryland AMD Advisory Committee through attendance at meetings, reviewing initiatives and providing input on ACSI and the AML program in general.

Meet with the public and the industry in concert with the State regarding the ACSI program.

Coordinate outreach efforts by management through arranging meetings and forums dealing with ACSI and the AML program.

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

Ongoing Activities -

Continue to work with the Mill Run Watershed Association to obtain ACSI funding for several AMD projects.

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

Assist Maryland in submission of new ACSI projects.

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

Continue to work with Maryland on AMD remediation projects.

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Public Outreach

Goal:

Development of a formal strategy, plan, and process for assurance that The Pittsburgh Oversight and Inspection Office and Maryland have a coordinated, comprehensive, and structured outreach and public participation program.

Background:

OSM Directive REG 8 requires each FO to conduct an outreach program within the State to solicit comments regarding the oversight process, make recommendations for evaluation year review topics, and make suggestions for improvement of future annual evaluation reports. In addition, the annual report requires public participation be addressed in the areas of providing input into the oversight process, public meetings, outreach efforts, organizational involvement, impacts, controversy, legal issues, and successes.

Scope:

Current outreach program efforts will be reviewed for content, structure, and coordination.

Methodology:

Review of past and anticipated outreach/public participation activities (ie; Land Reclamation Committee (LRC) meetings, local Sierra Club, Trout Unlimited, Maryland Coal Association, Mill Run Watershed Association, etc.) will be conducted on site and through interviews. Results will then be compared to requirements under REG8. Areas where further public participation would be desirable will be identified and incorporated into a formal strategy.

Report:

A report detailing the study will be written. Findings and recommendations will be made as needs dictate on the propriety of the current efforts and recommendations for establishment of a formal strategy, plan, and process. The formal outreach plan will then be prepared and finalized. The report and plan will be forwarded to MDE for review and comments prior to finalization. Findings and recommendations in the final report will be incorporated into the 1998 evaluation report for Maryland.

Schedule:

Review will begin March 1, 1998 and be complete May 1, 1998. The formal report will be

completed June 1, 1998. The formal outreach plan will be completed September 1, 1998.

Abandoned Mine Lands Inspections and Oversight

Goal:

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

Background:

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

Scope:

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

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

Methodology:

It is anticipated that approximately ten inspections\investigations will be conducted during this evaluation year. The data from these inspections will be documented on Citizen Complaint Investigation forms and Construction Inspection forms. All emergency recommendations will be forwarded through the Pittsburgh Oversight and Inspection Office to the Chief of the Federal Reclamation Programs Branch. All data collected will be utilized in evaluating and assisting the

State in the administration, implementation and maintenance of their approved program. The overall measure of the Pittsburgh Oversight and Inspection Office review will be the documentation of successful end results.

Report:

No topical report is anticipated for this activity.

Schedule:

N/A

Appendix A

Data Collection

Forms

MEIR Form

Acid Mine Drainage Inspection Report Form

Off-Site Impact Worksheet

Maryland

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

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

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

Discovery Date _____

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

Narrative of Incident and Impacts:

MEIR Supplement Maryland

Permittee _____ Inspection Date _____
Operator _____ Permit No. _____
MSHA Number _____ County _____

I. CHRONOLOGY

Permit Issued ___/___/___ Mining Initiated ___/___/___
Mining Completed ___/___/___ Backfilling Completed ___/___/___
Initial Stage I Bond Release ___/___/___ Initial Stage II Bond Release ___/___/___

II. LAND USE (Fill in acreage for all land uses)

- 1. Pre-Mining Land Use(s)\Acreages _____
- 2. Post-Mining Land Use(s)\Acreages _____
- 3. Do field conditions at the time of this inspection indicate the post-mining land use can be achieved? _____ (Y/N/NA) If no, why not? _____
- 4. Open Acre Limit _____

III. FACTORS GOVERNING RECLAMATION QUALITY

- 1. Do the contours of the backfilled areas of the site follow the contours specified in the permit? _____ (Y/N/NA) If no, explain _____
- 2. Was topsoil available for reclamation? _____ (Y/N/NA)
a. If no, are alternatives or substitutes available? _____ (Y/N/NA)
- 3. List the vegetation presently used to reclaim this minesite. List the common names where possible, else indicate diversity (e.g. legumes- 3 species, grasses- 4 species).
Legumes _____
Grasses _____
Trees _____
Shrubs _____
- 4. Does the vegetation on site concur with what is in the reclamation plan (excluding volunteer species)? _____ (Y/N/NA) If not, please indicate what is lacking by listing or attaching a copy of the appropriate portion of the reclamation plan.
- 5. On areas where Stage III release has occurred, is the vegetative cover at least as great as:

a. cover estimates prior to disturbance as indicated in the permit? ____ (Y/N/NA)

--OR--

b. that of similar land uses in similar or identical soils? ____ (Y/N/NA)

6. Have any innovative mining or reclamation techniques been utilized on site? (These should be identified in the permit). ____ (Y/N) If so, what are they and what are their effects?

7. Are there significant achievements ____ or failures ____ concerning reclamation of the site? Discuss any significant achievements or failures. _____

8. Has the operator's violation history on the site hampered timely and adequate reclamation of the site? ____ (Y/N) If yes, describe. _____

IV. WATER QUALITY

1. Were special handling procedures required in the permit? ____ (Y/N)

a. If yes, were the special handling procedures implemented on site? ____ (Y/N)

Briefly describe the handling procedures to be employed and the operator's efforts in complying with this portion of the permit. _____

b. If no, should special handling procedures have been incorporated in the permit? ____ (Y/N)

2. Water Quality Analysis; Surface Water and Ground Water Data. Use NI for no indication.

	Surface Water			Ground Water		
	Y	N	NI	Y	N	NI
Does the data indicate that the water resources on and adjacent to the permit area have:						
a. been properly protected and maintained?						
b. been improved?						
c. had a major impact causing serious damage?						
d. had a minor impact causing minor damage?						

Explain negative responses to a. or b., positive responses to c. or d. _____

3. Is there water on the site which requires treatment? ____ (Y/N) If no, go to 5.

4. What are the sources of the water requiring treatment? Check all that are applicable.

<i>surface runoff</i>		<i>ground water seeps</i>	
<i>pit water</i>		<i>deep mine discharge</i>	
<i>pond discharge</i>		<i>other (describe)</i>	

5. List any special conditions of the permit _____

6. Have problems with enforcement of water quality violations hampered final reclamation efforts or achievement of post mining land use? ____ (Y,N) If yes, explain _____

V. OWNERSHIP AND CONTROL INFORMATION

A. Pre-Inspection Check of Files

1. Indicate by checking which of the following data sources were reviewed for changes in ownership and control information. Attach copies of reports that show any apparent changes.

____AVS ____MSHA ____AML ____EIA

2. Are there apparent changes to the O/C information from that stated in the permit application? ____ (Y,N)*

B. Inspection

1. Name and title of person(s) interviewed _____

2. Has there been a change in permittee? ____ (Y,N)*

3. Has there been a change in or addition of an operator? ____ (Y,N)*

4. Has the MSHA number changed? ____ (Y,N)*

5. *Have there been any other O/C changes? ____ (Y,N)**

6. *Were O/C discrepancies discussed? ____ (Y,N)**

** For a "yes" answer list the new information, the date of the change, and whether there is an application for the transfer, assignment or sale of permit rights pending.*

Appendix B

**EY 1998
Projected Inspections**

Inspection Type	Number of Inspections
Performance Monitoring\Violations with offsite impacts ¹	24 ²
Reclamation Success\Violations with offsite impacts ¹	12
Citizen Complaint ¹	6
Post Phase III Reclamation Success ³	6
AMD Inspections ¹	3
Total	51

1. Sites selected will be either in active or inactive status.
2. For each increase in AMD inspections (up to 3 additional), Performance Monitoring inspections will be reduced by two (to a minimum of 18 Performance Monitoring inspections)
3. Sites selected will be inactive status.