



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Summary Report

for the

Regulatory Program

Administered by the State

of

MARYLAND

for

Evaluation Year 1997

(October 1, 1996 through September 30, 1997)

December 1997

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I. Introduction/Summary

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 have been approved by OSM 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 October 1, 1996, to September 30, 1997. Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the Pittsburgh OSM Office.

For the evaluation year, data and studies indicate that the Maryland Program has been effective, efficient, and innovative in meeting the goals of SMCRA. Maryland has conducted a program where active mining sites are in compliance with planning, mining, and reclamation standards approximately 99% of the time. Violations have dropped from 91 to 9 in the last 5 years. Reclamation has been thorough and has proceeded in a contemporaneous fashion, with an average 88% of affected area study sites backfilled and planted at any point in time.

In addition to these mining and reclamation efforts, the State has been actively pursuing opportunities to involve the public in the Maryland Program. Through World Wide Web Sites, public meetings and hearings, and formation of task forces, the Maryland Program has sought input into the program from public and private sectors. Maryland has shown innovation in its participation in the Appalachian Clean Streams Initiative (ACSI) by creating an Acid Mine Drainage (AMD) task force which helped identify and fund one Appalachian Clean Streams project and plan studies for additional project work. Maryland has also proposed amendments to their program to promote re-mining previously mined areas which might otherwise not be reclaimed.

A number of Maryland program items have been identified which may need improvement including inspection frequency and water monitoring requirements, and consideration of resoiling options on areas where topsoil is limited. These issues and others which are addressed in the evaluation year 1998 Workplan between MDE and OSM will be reviewed in the upcoming year to assure the continuation of a strong and viable program in the State of Maryland.

Additional detail is provided in the following sections of this report which address program successes and issues identified in the 1997 evaluation year.

The following list of acronyms is used in this report:

ABS	Alternative Bonding System
ACSI	Appalachian Clean Streams Initiative
AMD	Acid Mine Drainage
AML	Abandoned Mine Lands
COMAR	Code of Maryland Regulations
MDE	Maryland Department of the Environment
OSM	Office of Surface Mining Reclamation and Enforcement
SMCRA	Surface Mining Control and Reclamation Act of 1977
SOAP	Small Operator Assistance 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. 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, deep 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 78 percent of the total production in 1995¹. 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, the tonnage mined has been stable at approximately 3.5 million tons per year. This production is expected to remain stable because of a new long-term underground contract and a new power plant which will begin operation in 1999 and burn approximately 600,000 tons per year of Maryland coal.

Today coal mining in Maryland is confined to Garrett and the western portion of Allegany county. The topography in this area is comprised of 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 Youghiogeny, Lower Youghiogeny, 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

¹The majority of underground coal production in Maryland is generated from one mine employing approximately 250 people.

Casselman. There is no mining in the Upper Youghiogeny field. Maryland's coal reserves are estimated to exceed one billion tons. Approximately 490 million tons of bituminous coal are considered recoverable using conventional mining methods with today's technology.

III. Overview of the 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 oversight of the Maryland Regulatory and Abandoned Mine Lands (AML) programs. Opportunities for public involvement include formal regulatory participation, informal public meetings, outreach efforts, and organizational involvement.

Outreach

Maryland has formed an AMD Task Force to help bring together industry, citizens, and State and Federal governments to develop solutions for AMD problems which affect over 410 miles of Maryland's waterways. Task Force outreach efforts involved the formation of the Mill Run Watershed Association in Allegany County. Maryland is also working to establish another watershed group for the Cherry Creek watershed in Garrett County.

The Maryland Coal Mining Division maintains a web site on the world wide web² which offers information on goals/objectives and accomplishments under the program as well as opportunities for public input via e-mail.

OSM also maintains a web site³. This site includes a section currently under development which will specifically address citizen involvement opportunities.

In addition, OSM maintains a monthly newsletter for the Ohio and Maryland programs which is sent to representatives of industry, environmental, and citizen groups. The newsletter reports ongoing activities in Ohio and Maryland, opportunities for public participation and comment on annual work plans, and includes references to federal register notices of interest to the public.

²www.mde.state.md.us/wma/minebur/index.html

³www.osmre.gov

Public Meetings

The public is periodically provided opportunities for informal participation through public meetings. Several public meetings were held during the evaluation period. Four meetings were held in relation to the Appalachian Clean Stream Initiative (ACSI)⁴. These meetings involved the creation of the Mill Run Watershed Association and the dedication of the Cherry Creek ACSI project.

Three meetings were held in relation to re-mining. These meetings involved the Maryland Coal Association, Maryland Department of the Environment (MDE), and the States Re-mining Team and addressed initiatives to encourage re-mining of previously mined sites.

Organizational Involvement

Two organizations, one public, and one governmental, were active in the Maryland program during this evaluation period.

The Mill Run Watershed Association, formed this year, is the first public watershed group in the coal region of western Maryland. Mill Run residents are attempting to secure funds and develop partnerships with other groups in order to treat several acid discharges which flow from abandoned deep mine entries and pollute Mill Run. Mill Run contributes approximately 20 % of the acid in Georges Creek, a main tributary to the North Branch of the Potomac River.

The Land Reclamation Committee was formed in 1967 through Maryland legislation. 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 review of mining and reclamation plans, progress reports, and final reports. It establishes plans and procedures, as well as practical guidelines, for prompt and sufficient reclamation, conservation, and revegetation of all lands disturbed by coal mining within the State. The committee meets periodically and OSM attends the meetings.

⁴A broad-based citizen/industry/government program funded by private and government resources to eliminate acid mine drainage from abandoned mines.

Regulatory Participation

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 designated as unsuitable for mining, requesting inspections of active coal mine operations when there is reason to believe a violation is occurring, requesting pre-blast surveys if living within 1/2 mile of a permit area, and appealing Departmental decisions through the adjudicatory process.

Impacts/Results of Public Participation

As a result of the efforts of the Mill Run Watershed Association Maryland has included the Mill Run AMD project as one of its three ACSI projects for FY 1998 funding.

As a result of regulatory participation opportunities, a public hearing was requested and held regarding the proposed issuance of an amendment of 4000 acres to an underground mine. The issues involved were potential water loss and subsidence. No final decision has been made by MDE on the issuance of the amendment. In addition, two written citizen complaints made to OSM resulted in MDE issuing a Notice of Violation and Order for two violations and a subsequent Failure to Abate Cessation Order. This response to OSM Ten Day Notices was considered appropriate.

IV. Major Accomplishments/Issues/Innovations in the Maryland Program.

Maryland has been successful overall 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, Maryland has been actively involved in several initiatives and program activities. These are discussed below, along with outstanding issues and concerns which are being addressed in a mutual effort to maintain a high level of quality in the Maryland program.

Appalachian Clean Streams Initiative

Maryland continues to be an active participant in the ACSI program. During the evaluative year, Maryland received funding in the amount of \$100,000 for the Cherry Creek Project. The funding from OSM was accompanied by 104 b(3)⁵ funds from EPA

⁵Clean water Act 40CFR Part 3

for additional acid mine drainage abatement work in the same watershed. An assessment of all of Cherry Creek, to begin in EY98, will involve the identification of all seeps, flow rates, etc. Cherry Creek is a tributary to Deep Creek Lake, the largest freshwater lake in Maryland and a major economic and recreational resource.

Maryland has requested ACSI funding in the amount of \$ 550,000 in FY 98 to correct AMD problems at three sites (Mill Run, Georges Creek Elementary School, and Potomac Hill Run) and improve 12.5 miles of stream.

ACSI activities during the period also included fish population surveys with high school students in AMD impacted streams and involvement of the Boy Scouts in the liming, seeding and mulching of an AMD control diversion.

Remining for Real

During this evaluation year, Maryland continued to develop incentives to encourage remining. These incentives included a bond credit for remining sites and exploring methods for reducing water sampling frequency requirements for Rahall amendment permits. Maryland has also submitted a program amendment which would allow for excess spoil disposal onto approved Abandoned Mine Land (AML) sites.

During the period, Maryland actively engaged in discussions and meetings with both the regional and national remining teams. In addition, a joint meeting was held with OSM and the Maryland Coal Association regarding various remining initiatives.

Maryland continues to look for economic incentives which promote remining and methods of reducing operator liabilities associated with changes in water quality associated with remining operations.

Acid Mine Drainage Prevention

During this evaluation year MDE and OSM conducted three joint AMD inspections at three active mine sites. The inspections were done by a team of inspectors and a geologist from MDE along with an inspector and a program specialist from OSM. The inspections were conducted at sites selected by MDE and all were active at the time of the inspection.

The inspections were conducted as part of an annual attempt to identify potential AMD sites and make recommendations for preventing AMD problems in the future. Of the three sites that were inspected, the team concluded that AMD production was probably not in progress at two of the sites. The third site, however, provided considerable evidence of AMD generation. The site involved the remining of an area that had been

previously affected by both surface and underground mining methods but was not permitted as a Rahall Amendment remining site. Overburden analysis failed to show any suitable overburden for segregation and use in lining the pit floor or to help ameliorate the impact of toxic material. The State team will follow-up with the operator to develop measures that can be taken to decrease or eliminate the generation of AMD.

Abandoned Mine Land Reclamation

During the evaluation period, Maryland completed the reclamation of four priority two reclamation projects at a total cost of \$4,127,488. Two of these projects involved landslides that affected public roads. Both projects were done jointly under a cooperative agreement with the Maryland Highway Administration. The third project involved the extension of a water line so that two families whose water supplies were contaminated by AMD could have potable water. The fourth project, Vindex, had been on-going since August 1, 1994 and consisted of the reclamation of 72 acres of multiple AML features such as dangerous highwalls, hazardous equipment and facilities, three mine openings, surface burning and other priority 2 and 3 abandoned mine land features. The site was reclaimed at a final cost of \$3,335,763.

At the present time, two more AML projects are underway. One involves the reclamation of a dangerous highwall in conjunction with a Title V mining operation. The other, a waterline extension project, is being designed in conjunction with Allegany County for two families whose spring has been contaminated by past mining. Design work has been completed on another slide and permit authorizations are forthcoming.

Maryland's AML project approval process appears to be impeded to some degree by project review requirements of the Maryland Board of Public Works which is mandated to review every major capital improvement within the State. The last project approved by the three member Board was in 1994. The State AML division has entered into cooperative agreements and other AML funding arrangements in order to implement provisions of Title IV of SMCRA and Title 15, Section 1102 of the Maryland Code. A study will be undertaken in evaluation year 1998 to review this portion of the AML program.

Maryland has submitted a plan for utilizing Title IV money under Section 402(g)(7) (the 10 % set-aside program) for treating AMD on the North Branch of the Potomac River. Maryland continues to operate four dosers on the North Branch to treat AMD coming from AML sites. The dosers have helped restore nearly 24 miles of the North Branch and the 952 acre Jennings Randolph Lake which borders West Virginia and Maryland. Studies by the Maryland Fisheries Division are revealing the presence of wild Rainbow Trout and Cutthroat Trout in various sections of the river where they were not found before. Sediment and toxicity studies dealing with the dosers will take place during EY98.

During the evaluation year, the OSM Field Office conducted two citizen complaint investigations and six construction phase inspections. Two emergency investigations involving landslides were conducted and three technical assistance requests were responded to.

Also during the evaluation year, the Maryland AML Division underwent a reorganization which resulted in the creation of a Land Restoration Section and a Water Restoration and Revegetation Section.

Program Amendments

During the 1997 session of the Maryland General Assembly, one bill was passed and subsequently submitted as an amendment to Maryland's program. House Bill 245 was approved by the Governor on April 29, 1997. The Bill requires Land Reclamation Committee members to recuse themselves from proceedings that may affect their direct or indirect financial interests. This amendment, once approved, will satisfy an outstanding condition for approval of Maryland's alternative bonding system..

Six other conditions concerning the alternative bonding program are still outstanding. Four of these conditions have been addressed through an actuarial study. Removal of the conditions is contingent upon approval of a final rule. The study determined that the alternative bonding system (ABS) was actuarially sound for on-the-ground reclamation. Should AMD be identified as a problem Maryland will limit the liability of the alternative bonding system by increasing the bond amount of operators to cover any additional acid mine drainage costs, on those sites where unanticipated acid mine drainage develops. The study showed ABS should remain solvent for future on-the-ground reclamation. OSM is currently processing this amendment. The remaining conditions concerning certain changes to the advertisement of bond release applications and bank notice requirements for certificates of deposits are being processed.

An excess spoil amendment currently under consideration will allow the placement of excess spoil from a permitted area onto an abandoned mine land area. However, before this provision may be implemented, Maryland needs to clarify how projects will be completed if an operator defaults. They also must further demonstrate how compliance with their AML program may be achieved for these types of projects.

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.**

To further the concept of reporting end results, the findings from performance standard evaluations are being collected for a national perspective in terms of the number and

extent of observed off-site impacts, and the number of acres that have been mined and reclaimed and which meet the bond release requirements for the various phases of reclamation. Individual topic reports are available in the Pittsburgh Office which provide additional details on how the following evaluations and measurements were conducted.

Off-Site Impacts

During the evaluation period OSM conducted a study to assess the number and severity of off-site impacts occurring at or near surface mining sites⁶.

OSM selected 30 sites for this study. The data in table 4 (Appendix A) shows 28 sites (93.3%) with no off-site impacts. The remaining two sites had one impact each. These impacts were both associated with hydrology, and were mitigated. No programmatic deficiencies were noted in either allowing impacts to occur, or in mitigating impacts following occurrence.

Bond Release

As indicated in Table 5, nearly 84% of bond release in Maryland for the evaluation period was for phase II (21.4%) and phase III (62.2%). Only 16.4% of bond released was for phase I. This apparent imbalance can be attributed primarily to the decline in surface mining activities in Maryland since the mid-1980's and not to any delays in backfilling. As the number of new operations has declined and the present operations

conclude reclamation, a shift has occurred in acreage released from phase I to phase II and phase III. As shown in figure 1, backfilled acreage has out paced permitted acreage over the last five years.

During the evaluation period

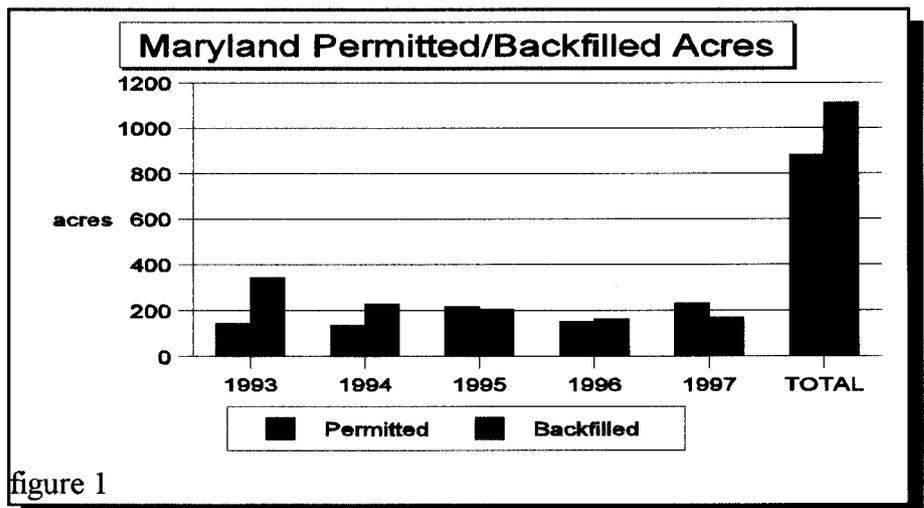


figure 1

⁶Off Site Impacts; September, 1997; Available upon request from the Pittsburgh OSM Office

OSM conducted a study to evaluate the effectiveness of the Maryland Program in ensuring successful reclamation on lands affected by surface coal mining operations⁷. The study evaluated four parameters of reclamation in Maryland; land form/approximate original contour, land capability, hydrologic reclamation, and contemporaneous reclamation. The twelve sites evaluated met all criteria under these parameters except for one site which did not meet criteria for hydrologic reclamation. This site exhibited several seeps which did not meet water quality standards prior to treatment. The site was a pre-law tippel which had pre-existing hydrological problems. There has been no final decision on the release of this site by MDE.

Studies and data on bond releases in Maryland reflect effective and successful reclamation under the Maryland State Program.

VI. OSM Assistance

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

Appalachian Clean Streams Initiative

OSM assisted Maryland in the submission of projects for funding consideration under the ACSI. A project in the Cherry Creek watershed was selected for submission of a funding request. Cherry Creek is a naturally acidic, low gradient, slow-flowing stream in its upper reaches, and a fast-flowing mountain stream in its lower reaches. Cherry Creek is a tributary of Deep Creek Lake which is a major recreational area and source of revenue for Garrett County and the surrounding communities.

The project is designed to improve the water quality of four miles of the lower portion of Cherry Creek. The benefits include enhancing two miles of native stream habitat, improving the water quality in Deep Creek Lake, and eliminating the degradation and possible destruction of adjacent sphagnum bogs. A combination of anoxic drains, limestone channels, and passive wetland treatment systems will be employed to treat several discharges from two abandoned mine sites: the Glodfelty strip and the Teets deep mine sites. Maryland was awarded \$100,000 for completion of the project.

⁷Maryland Bond Release Study; June, 1997; Available upon request from the Pittsburgh OSM Office

Grants

As shown in table 8 (Appendix A), OSM provided \$570,000 in Title V regulatory assistance funding during fiscal year 1997. This is in addition to the \$1.6 million provided for the Title IV abandoned mine lands reclamation program. From program inception to the end of fiscal year 1997, OSM has granted Maryland approximately \$24.4 million net awards. Of this amount, \$.3 million was for the Small Operator Assistance Program (SOAP), \$4.9 million for regulatory operations, and \$19.2 million for abandoned mine land reclamation projects. Figure 2 shows comparative grant awards for the three program areas over the last five fiscal years.

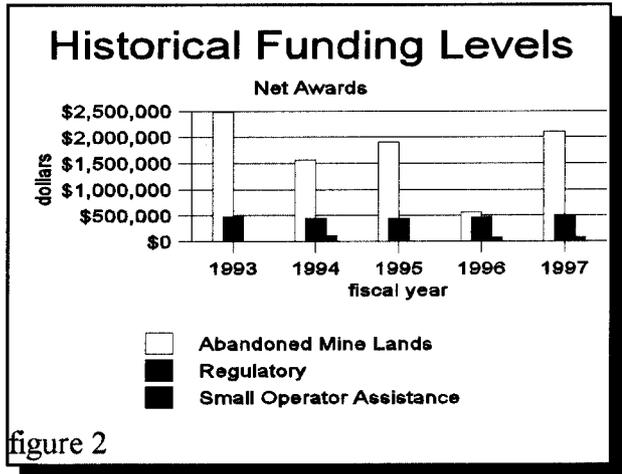


figure 2

VII. General Oversight Topic Reviews

In addition to the standard studies conducted to assess off-site impacts and evaluate the effectiveness in achieving successful reclamation, three optional studies were performed during the evaluation period per the OSM/MDE evaluation year 1997 work plan:

Violation Citation Study

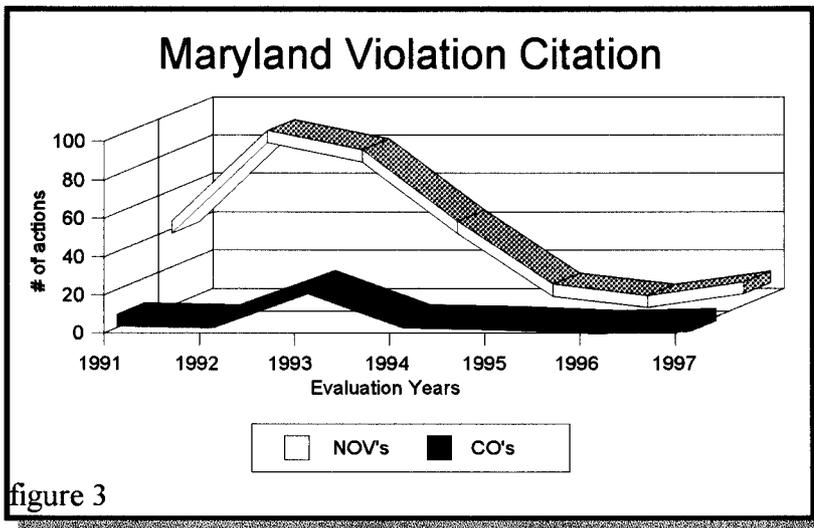


figure 3

As shown in figure 3, violation citation rates have been showing a downward trend since 1992. In order to determine if all violations existing during the last State complete inspection

were being cited, OSM conducted a study during the evaluation period⁸. Results of the study indicated that there is no pattern, practice or policy of existing violations not being cited by MDE.

Performance Monitoring Study

In order to assess the effectiveness of the Maryland Program in meeting the goals of SMCRA by protecting society and the environment from the adverse effects of surface coal mining operations, OSM conducted a study during the evaluation period⁹. Twenty permitting, mining, and reclamation standards on twelve permit sites were evaluated for compliance with MDE program requirements. All sites were in compliance with all standards with the following exceptions: one site did not meet the hydrologic planning criteria under the permitting standards and two sites did not meet the drainage control criteria under the mining standards. In addition Maryland failed to meet inspection criteria on two sites.

Historical trends over the past three years indicate an approximate 99% compliance rate with the standards evaluated by OSM. Overall, it was determined that the Maryland program is meeting the goals of SMCRA effectively and efficiently.

⁸Maryland Violation Citation Study, September, 1997. Copies available upon request from the OSM Pittsburgh Office.

⁹Maryland Performance Monitoring Study, September, 1997. Copies available upon request from the OSM Pittsburgh Office.

APPENDIX A

These tables present data pertinent to mining operations and State and Federal regulatory activities within Maryland. They also summarize funding provided by OSM, and Maryland staffing. Unless otherwise specified, the reporting period for the data contained in all tables is October 1, 1996 to September 30, 1997. Additional data used by OSM in its evaluation of Maryland's performance is available for review in the evaluation files maintained by the Pittsburgh OSM Office.

TABLE 1

Coal Production (Millions of short tons)			
Period	Surface mines	Underground mines	Total
Coal production^A for entire State:			
1995	0.8	2.8	3.6
1996	0.8	3.1	3.9
1997 ^B	0.6	2.6	3.2

^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.

^B Production for 3 calendar quarters (1/1/97 - 9/30/97)

TABLE 2

Inspectable Units (As of September 30, 1997)												
Coal mines and related facilities	Number and status of permits								Insp. Unit ^D	Permitted acreage ^A (hundreds of acres)		
	Active or temporarily inactive		Inactive		Abandoned		Totals			IP	PP	Total
	IP	PP	Phase II bond release		IP	PP	IP	PP				
			IP	PP						IP	PP	
STATE and PRIVATE LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	41	0	13	0	1	0	55	55	0	43	43
Underground mines	0	4	0	1	0	0	0	5	5	0	8	8
Other facilities	0	8	0	1	0	0	0	9	9	0	1	1
Subtotals	0	53	0	15	0	1	0	69	69	0	52	52
FEDERAL LANDS REGULATORY AUTHORITY: STATE												
Surface mines	0	0	0	0	0	0	0	0	0	0	0	0
Underground mines	0	0	0	0	0	0	0	0	0	0	0	0
Other facilities	0	0	0	0	0	0	0	0	0	0	0	0
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0
ALL LANDS^B												
Surface mines	0	41	0	13	0	1	0	55	55	0	43	43
Underground mines	0	4	0	1	0	0	0	5	5	0	8	8
Other facilities	0	8	0	1	0	0	0	9	9	0	1	1
Totals	0	53	0	15	0	1	0	69	69	0	52	52
Average number of permits per inspectable unit (excluding exploration sites) <u>1</u>												
Average number of acres per inspectable unit (excluding exploration sites) <u>96.3</u>												
Number of exploration permits on State and private lands: <u>1</u> On Federal lands: <u>0</u> ^C												
Number of exploration notices on State and private lands: <u>3</u> On Federal lands: <u>0</u> ^C												
<p>IP: Initial regulatory program sites.</p> <p>PP: Permanent regulatory program sites.</p> <p>^A When a unit is located on more than one type of land, includes only the acreage located on the indicated type of land.</p> <p>^B 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.</p> <p>^C 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.</p> <p>^D Inspectable Units includes multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.</p>												

TABLE 3

State Permitting Activity

Type of application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New permits	1	2	217	0	0	0		0	0	1	2	217
Renewals	7	7	719	1	1	11	3	2	7	11	10	739
Incidental boundary revisions	6	3	16	1	1	0	0	0	0	7	4	16
Revisions (exclusive of incidental boundary revisions)	16	13		5	5		0	0		21	18	
Transfers, sales and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits	1	1		0	0		0	0		1	1	
Exploration notices ^B	3	3		0	0		0	0		3	3	
Totals	34	29	952	7	7	11	3	2	7	44	38	972

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions NA

^A Includes only the number of acres of proposed surface disturbance.

^B State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 4

Off-Site Impacts

RESOURCES AFFECTED		People			Land			Water			Structures		
		minor	moderate	major	minor	moderate	major	minor	moderate	major	minor	moderate	major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE	Blasting												
	Land stability												
	Hydrology				2								
	Encroachments												
	Other												
	Total	2	0	0	0	0	2	0	0	0	0	0	0
Total number of permits or mine sites with observed off-site impacts: Permits <u>2</u> or Mine Sites _____													
Total number of permits or mine sites evaluated: Permits <u>30</u> or Mine Sites _____													
Total number of observations made to evaluate mine sites or permits for off-site impacts <u>33</u>													

Report the degree of impact under each resource that was affected by each type of impact. More than one resource may be affected by each type of impact. Therefore, the total number of impacts will likely be less than the total number of resources affected; i.e. the numbers under the resources columns will not necessarily add horizontally to equal the total number for each type of impact. To report the number of mine sites or permits use the same criteria used to determine an inspectable unit in the State. Number of observations is based upon the criteria developed between each State and OSM and may include observations by both the State and OSM.

TABLE 5

Annual State Mining and Reclamation Results		
Bond release phase	Applicable performance standard	Acreage released during this evaluation period
Phase I	<ul style="list-style-type: none"> ● Approximate original contour restored ● Topsoil or approved alternative replaced 	169
Phase II	<ul style="list-style-type: none"> ● Surface stability ● Establishment of vegetation 	221
Phase III	<ul style="list-style-type: none"> ● Post-mining land use/productivity restored ● Successful permanent vegetation ● Groundwater recharge, quality and quantity restored ● Surface water quality and quantity restored 	643
	Total number of disturbed acres at end of last review period (September 30, 1996) ¹	Not Available
	Total number of acres disturbed during this evaluation year	Not Available
	Number of acres disturbed during this evaluation year that are considered remaining	Not Available
<p>¹ Disturbed acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).</p>		

TABLE 6

State Bond Forfeiture Activity (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of January 1, 1997 ^A	3	\$383,760	186
Bonds forfeited during EY 1997	0	\$0	0
Forfeited bonds collected as of January 1, 1997 ^A	3	\$383,760	186
Forfeited bonds collected during EY 1997	0	\$0	0
Forfeiture sites reclaimed during EY 1997	0	\$0 ^B	0
Forfeiture sites repermited during EY 1997	0		0
Forfeiture sites unreclaimed as of September 30, 1997	3		186
Excess reclamation costs recovered from permittee	0	\$0	0
Excess forfeiture proceeds returned to permittee	0	\$0	0
^A Includes data only for those forfeiture sites not fully reclaimed as of this date. ^B Cost of reclamation, excluding general administrative expenses.			

TABLE 7

State Regulatory Program Staffing (Full-time equivalents at end of evaluation year)	
Function	EY 1997
Regulatory program	13.8
- Permit review	3.1
- Inspection	6.4
- Other (administrative, fiscal, personnel, etc.)	4.4

TABLE 8

Regulatory Funds Granted to State by OSM (Millions of dollars)		
Type of grant	Federal funds awarded	Federal funding as a percentage of total program costs
Administration and Enforcement	\$0.50	50%
Small Operator Assistance	\$0.07	100%
Totals	\$0.57	

APPENDIX B

State Comments



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore Maryland 21224
(410) 631-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

December 3, 1997

Mr. George J. Rieger
Chief, Pittsburgh Field Branch
Office of Surface Mining
Appalachian Region Coordinating Center
Ten Parkway Center
Pittsburgh, Pennsylvania 15220

Dear Mr. Rieger:

This is to confirm our December 1, 1997 telephone conversation, in which we discussed an extension of the deadline to submit comments on the draft 1997 Annual Evaluation Summary Report. We agreed to a new deadline of December 12, 1997.

The section of the draft Summary Report concerning Temporary Cessation indicates "Final Data to Follow". Several weeks ago we agreed that OSM would proceed with the draft Summary Report although Maryland had not yet submitted comments on the Temporary Cessation (TC) element report. We also agreed that the TC section of the draft Summary Report would indicate that it was incomplete. During our August 14, 1997 meeting, you indicated that the TC element would be significantly revised. I mention these events as background to stating my expectation that the TC element report and the TC section of the Summary Report will be revised more significantly than finalizing data.

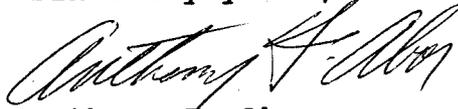
Recognizing that you are under a tight deadline to complete all EY97 evaluation documents, I have enclosed comments, in the form of notes on the draft 1997 Annual Evaluation Summary Report. In addition to the TC issues mentioned above, I recommend that you delete statements comparing violations and off-site impacts during 1997 to previous years. As you know, the definition of off-site impacts changed from previous years. Therefore, any comparison is comparing "apples to oranges."

Please understand that the enclosed comments are not all of Maryland's comments on the 1997 draft Summary Report. We will submit the remainder of our comments by December 12, 1997. The enclosed comments are submitted to facilitate your expeditious finalization of the report. While we may submit additional

comments, it is improbable that we will submit comments that are contrary to the enclosed comments.

By beginning to finalize the 1997 Summary Report with the enclosed comments, hopefully we will be able to devote time, if necessary, to a final TC element report on which OSM and Maryland disagree minimally on data and conclusions. Thank you for agreeing to extend the deadline to comment on the draft Summary Report.

Sincerely yours,



Anthony F. Abar
Director, Mining Program

cc: John Carey
Scott Boylan



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Parris N. Glendening
Governor

Jane T. Nishida
Secretary

Water Management Administration
Bureau of Mines
160 South Water Street * Frostburg, Maryland 21532

December 11, 1997

Mr. George J. Rieger, Manager
Oversight and Inspection Office
Office of Surface Mining
Appalachian Regional Coordinating Center
Three Parkway Center
Pittsburgh, PA 15220

Dear Mr. Rieger:

The Maryland Bureau of Mines has reviewed the draft 1997 Annual Evaluation Summary Report. Overall the report is very accurate in reporting the accomplishments of Maryland in 1997. However, we have the following comments concerning the Temporary Cessation Study on pages 13 and 14.

Page 13,14 - Temporary Cessation of Mining Study

A more detailed explanation of the study should be included in the report. At a minimum, the number of permit sites and the time frame of the study should be included in the report. Without including this information the statistical information has very little meaning and the statistical validity of the finding cannot be assessed. We would also question why the percentages presented in the report are different than those presented in the draft Evaluation Report on Temporary Cessation (May, 1997). If additional final data is to follow, Maryland would like the opportunity to review the data prior to any distribution of a final report.

Thank you for the opportunity to review the 1997 Annual Report.

Sincerely,

Stephen M. Layton, Chief
Coal Permitting Section

Disposition of Comments

All State comments submitted by letter dated December 3 were accepted and incorporated into the final report unless addressed below. Comments submitted by letter dated December 11, 1997 were accepted by elimination of references to the temporary cessation report until further review and analysis can be completed.

Introduction/Summary

The reference in paragraph 2 to the fact that violations have dropped from 91 to 9 in the last five years was retained as it is evidence of the effectiveness of the Maryland program in meeting SMCRA goals. The phrase "has been thorough" in the same paragraph has been retained as it is a specific conclusion of the 1997 Maryland Bond Release Study. The phrase "...and consideration of resoiling options on areas where topsoil is limited..." in paragraph four has been retained as it is a specific concern addressed in the 1997 Maryland Performance Monitoring Study.

Overview of the Maryland coal Mining Industry

The last three sentences of the first paragraph and the last paragraph were retained. These references address the amount and nature of coal reserves in the State as well as characterize coal mining in the State, all of which are required by OSM directive Reg. 8.

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

Organizational Involvement - The next to the last sentence in the third paragraph was retained as it accurately describes the responsibilities of the Land Reclamation Committee.

Major Accomplishments/Issues/Innovations in the Maryland Program

Abandoned Mine Land Reclamation - The third paragraph was retained as it identifies an issue which will be addressed in the next evaluation year.

Program Amendments - The second paragraph was rewritten to clarify the status of the remaining six conditions.

Success in Achieving the Purposes of SMCRA...

Bond Release - The fourth sentence of the first paragraph was retained as it makes conclusions to the introductory sentences.

General Oversight Topic Reviews

Performance Monitoring Study - The reference to the two sites which did not meet the criteria for State inspections was retained but the paragraph was revised to differentiate between operators and the State in following program requirements.