



# United States Department of the Interior

OFFICE OF THE SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
Washington, D.C. 20240

**OCT 21 2009**

## Memorandum

To: Regional Directors

Field Office Directors

From: Glenda H. Owens

Acting Director

Subject: National Priority Review Topics for Evaluation Year 2010

As authorized by Directive REG-8, I am selecting the following topics as national priority review topics for oversight in Evaluation Year 2010:

### **Approximate Original Contour (AOC)**

Evaluations must address how state program AOC requirements are applied at the permitting stage and how the requirements in the permit are implemented and enforced.

Page 1-10 of Appendix 1 to Directive REG-8 specifies that it is necessary for the state and OSM to concur on an accepted interpretation of AOC, which the State and OSM will document in a mutually acceptable manner. Directive INE-26 establishes the criteria that OSM must use in evaluating state AOC determinations during oversight inspections. The postmining land use policy that OSM issued on June 22, 2000, establishes requirements to which regulatory authorities must adhere when determining whether to approve an exception to AOC requirements.

### **Determination of Required Bond Amounts**

Evaluations must address how states are complying with the state program counterparts to 30 CFR 800.14 and 800.15(d), which govern determination of required bond amounts.

Questions that should be addressed by this review include—

- Does the state's method of determining bond amounts ensure that, in the event of forfeiture at the point of maximum reclamation liability during the term of the permit, the state has sufficient funds to contract with a third party to complete the reclamation plan?

- Does the bond calculation methodology reflect the March 31, 1997, acid mine drainage policy; i.e., does the system include a mechanism to adjust bond amounts or provide other financial assurance to cover the costs of treating any unanticipated long-term postmining pollutional discharges that develop after permit approval?
- Is the State reevaluating bond amounts and, if necessary, requiring adjustment of the bond amount each time a permit is revised or renewed?

Please work with the States to incorporate review of these topics into the performance agreement or other oversight work plan for each State.

Please contact Sterling Rideout, Assistant Director, Program Support, with any questions concerning this memorandum.