

PERFORMANCE AGREEMENT

Evaluation Year 2001

Between

The Office of Surface Mining
Indianapolis Field Office

And

The Illinois Department of Natural Resources,
Office of Mines and Minerals
Land Reclamation Division

November 2000

Performance Agreement Between OSM and OMM-LRD EY 2001

Part I. Purpose

Background: The Surface Coal Mining and Reclamation Act of 1977 (SMCRA) provides that the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface coal mining and reclamation operations, subject to the Act, should rest with the States. SMCRA also creates the framework within which States carry out the mandates of the Act through approved programs. The Office of Surface Mining's (OSM) involvement (oversight role) with State primacy programs is to support the States in accomplishing this objective and assist in assuring State program provisions are maintained within the overall requirements of the Act.

The purpose of this Performance Agreement is to establish a mutually acceptable scope of work for oversight of the approved program administered by Illinois, and to provide programmatic and technical support and assistance to the State. This effort is to ensure that the Illinois Program is appropriately addressing SMCRA requirements as it develops and administers its laws, regulations and program. Oversight is an ongoing processes which allows for timely identification and resolution of program issues, and serves to identify areas where OSM needs to clarify its expectations of how SMCRA requirements are to be implemented.

Objective: The goals of this Performance Agreement are to:

- S foster mutual respect in carrying out the requirements of SMCRA,
- S assure that oversight topics reflect State/OSM priorities,
- S use on-the-ground results as a measure of program success,
- S provide timely follow-up on identified program needs, and
- S enhance and encourage the State's own performance evaluation.

This agreement will be available in the Indianapolis Field Office's evaluation files for public review.

Part II. Annual Evaluation Plan

Background: OSM's Directive REG-8 establishes the framework for carrying out annual State program oversight. The directive provides flexibility to OSM Field Offices in designing an annual oversight plan consisting of specific program reviews and areas for program/technical support or assistance to the State regulatory, abandoned mine lands and grants programs. REG-8 gives States the opportunity to be involved in developing and carrying out the plan and reporting on the results.

Oversight topics in the Annual Evaluation Plan reflect the highest priority areas for review and/or assistance determined by the State and the Field Office. The selection of topics and assistance needs should also be developed with input from other parties, including citizens, representatives of interest groups and the coal industry in so far as practicable. The annual agreement may be modified as issues are resolved, as new issues arise, or as work priorities change.

This evaluation plan incorporates the three required national measurement elements: off-site impacts, reclamation success, and customer service. In addition to these *national review topics*, the plan includes other oversight activities, or *selected programmatic review topics*, mutually developed by the Illinois Office of Mines and Minerals, Land Reclamation Division, and the IFO.

REG-8 requires that specific data be gathered during the evaluation year, much of which is gathered via mine site evaluations or site visits. This evaluation year the IFO's inspection plan involves only complete mine site evaluations, and reclamation success mine site evaluations. Off-site impact mine site evaluations which previously were partial inspections, will not be done. Rather, the objectives of complete mine site evaluations will include gathering both on-site and off-site impact information, with emphasis on on-the-ground effects and prevention of eventual problems. IFO's target in EY2001 will be to conduct complete inspections on 35 inspectable units in Illinois.

Part III. National Review Topics

REG-8 national review topics for which information is to be gathered are as follow:

A. Off-site Impacts.

The IFO will continue to evaluate and report on the effectiveness of the Illinois Program in protecting the public and the environment from off-site impacts resulting from surface coal mining operations. For the purposes of oversight of the Illinois Program, the definition of off-site impact and other guidance pertaining to off-site impacts described in

OSM Directive REG-8 will be used.

Attached to this Performance Agreement is a work plan which describes the objectives, methodology, and measurement elements of this evaluation of Illinois Program success in preventing off-site impacts.

B. Reclamation Success.

The IFO will evaluate and report on the effectiveness of the Illinois Program in ensuring successful reclamation of lands affected by surface mining. A determination of reclamation success will be based on the number of acres that meet bond release standards and have been released by the Land Reclamation Division. The IFO will gather information to measure program performance in the following areas:

- a. Land form/AOC
- b. Land capability
- c. Hydrologic reclamation
- d. Contemporaneous reclamation

For this evaluation the IFO will use the definitions of successful reclamation for each phase of reclamation described in REG-8.

Directive REG-8 defines contemporaneous reclamation to be the difference between the time lands are disturbed and when they achieve final phased bond release. Illinois has information available concerning affected acreage and acres of bond released each year. The attached work plan explains that IFO will make a comparison of affected acres with bond released acres to obtain a general assessment of contemporaneous reclamation. The IFO will conduct mine site evaluations on a sample of 10 bond releases recommended or made by the LRD to verify the bond releases represent successful achievement of reclamation.

In addition, REG-8 suggests that mine subsidence and impacts to water supplies should be periodically evaluated to determine the success of the State Program in achieving timely restoration and repair or replacement of water supplies affected by mining and restoration of other resources impacted by mine subsidence. The reclamation success work plan describes the evaluation methodology relating to achieving timely restoration of water supplies and other resources affected by mine subsidence.

C. Customer Service:

In EY 2001 the IFO will evaluate effectiveness of customer service provided by the State in responding to citizen inquiries about the location of underground mines. The OMM Land Reclamation Division has provided this information to individual citizens,

businesses, and other entities for a number of years because of its Geographic Information System capabilities. The IFO will review this State activity to determine timeliness, accuracy, completeness and appropriateness of the State action, and prepare a report of its findings.

A work plan setting forth the scope and methodology of this oversight evaluation will be developed prior to the initiation of the review of this topic.

Part IV. Selected Programmatic Review Topics for EY 2001

A. Groundwater Monitoring

A joint OSM/State groundwater monitoring evaluation was completed in EY 2000. From this joint effort specific recommendations were made, which if implemented would improve the Illinois groundwater monitoring program. It is recommended that the State consider implementing these recommendations. The IFO will evaluate the State's implementation efforts during July 2001.

B. Acid Mine Drainage (AMD) Data Collection

In EY 2000 OSM made the prevention of acid and toxic discharges from coal mining operations into surface and groundwaters, and the remediation of mining related pollutant discharges a high priority concern. As a result, OSM developed a comprehensive outline for ongoing and planned endeavors to strengthen overall efforts to prevent and control AMD and address water related issues in the regulatory and abandoned mine land programs.

The IFO and Illinois OMM staff met in May 2000 concerning this effort. Illinois agreed to annually collect required data from all qualified AMD sites. This initiative continues, and the IFO will provide assistance as needed and guidance to ensure proper collection of AMD information.

Part V. Abandoned Mine Land Program Oversight

Oversight and assistance activities relating to the Illinois Abandoned Mine Land Program in EY 2001 is address under a separate Performance Agreement.

Part VI. Signatures

The following parties consent to this agreement:

Scott Fowler, Supervisor
Land Reclamation Division
Office of Mines and Minerals
Illinois Department of Natural Resources

Date

Andrew R. Gilmore, Director
Indianapolis Field Office
Office of Surface Mining Reclamation and Enforcement

Date