

# EVALUATION YEAR 2002 PERFORMANCE AGREEMENT AND EXTENDED WORK PLAN IOWA

## **I. *PURPOSE OF THIS AGREEMENT***

The purposes of this agreement with the Office of Surface Mining (OSM) Mid-Continent Regional Coordinating Center (MCRCC), Grants and Oversight Team (GOT) and the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (DSC) are to:

- A.** Foster a shared commitment to the implementation of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) through the DSC Regulatory and Abandoned Mine Land (AML) programs by working together to accomplish shared goals.
- B.** Define and specify goals, objectives and outcome measures used to determine the level of success by GOT and DSC in achieving the requirements of SMCRA Title IV and Title V during the Evaluation Year (EY).
- C.** Provide for a multi-year working agreement. Since the goals and objectives of DSC and OSM are ongoing, this Agreement charts a work plan through EY2006.
- D.** Identify evaluation topics for the EY2002 Annual State Evaluation Report.

## **II. *GOALS, OBJECTIVES AND OUTCOME MEASURES USED DURING EY2002***

### **A. *Title IV - Abandoned Mine Land Reclamation Program***

In a cooperative effort DSC and OSM will aggressively pursue reclamation of abandoned mine lands by striving to restore the greatest number of Priority 1 and 2 AML sites.

#### **Measure(s):**

- 1.** The DSC has identified several potential projects for Appalachian Clean Stream Initiative funding. The DSC will work to establish State, local, and Federal partnerships, or other cooperative arrangements to continue or complete reclamation on one or more projects in FY 2002 and subsequent evaluation years.
- 2.** The DSC will enter applicable reclamation accomplishments on the Abandoned Mine Land Inventory System (AMLIS) in order to track individual AML keyword problems and total reclamation acreage.

3. OSM in cooperation with DSC, will respond to all potential AML Emergency eligible sites referred by DSC, and will investigate potential AML Emergency eligible sites and abate all AML Emergency hazards in accordance with the requirements of SMCRA, OSM AML Emergency policy, and "Iowa Abandoned Mined Land Emergency Response Guidelines." Iowa will make formal application to OSM during this evaluation year to assume the emergency program.

**B. Title V - Coal Regulatory Program**

In a cooperative effort, OSM and DSC will prevent environmental problems by ensuring successful and timely reclamation of the inactive permits that now exist in Iowa.

**Measure(s):**

1. DSC will protect the environment and public from undesirable mining activities. During EY 2002, and for each of the following four evaluation years, DSC will accomplish this by causing reclamation activities to be initiated and/or completed on four or more permits either by the permittee or the surety (in lieu of bond forfeiture reclamation), or through the bond forfeiture process.
2. At DSC's request, OSM will provide DSC with legal assistance in its pursuit of individual civil penalties.
3. OSM will facilitate DSC's ability to properly administer its approved program by processing all complete grant applications within 60 days of receipt.

**C. Assistance**

OSM will strengthen the capabilities of DSC staff to effectively enforce SMCRA by providing training, assistance, and guidance.

**Measure(s):**

1. OSM will monitor customer satisfaction for the following that will be provided to DSC: Technical Information Processing System (TIPS) assistance and Information and technology transfer.
2. OSM will provide technical training and access to training resources to all DSC staff. OSM will also follow up with results surveys to determine program effectiveness.

**III. TOPICAL AREAS TO BE ADDRESSED DURING EY 2002**

**A. Title IV Topics**

Directive AML-22 identifies the six principles of excellence and the means by which each performance measure should be addressed. During EY2002, these AML issues will be reviewed by DSC and OSM.

1. *Programs should be responsive to public concerns.*

Iowa has established a public inquiry tracking system that is used to review requests for assistance, outreach, public meetings, and other information regarding the AML program.

OSM and DSC representatives will jointly review the tracking system and complete a final report by September 27, 2002. Criteria for review will be developed by the team.

2. *Iowa must have an approved reclamation plan that meets the requirements of Federal laws and regulations, and the State must conduct reclamation in accordance with the plan.*

This item is covered in Section V, Program Amendments “C.”

3. *On-the-Ground Reclamation is to be achieved in a timely, cost-effective manner.*

A team of OSM and DSC representatives will review completion of on-the-ground reclamation. A final report will be completed by September 27, 2002. Scheduling for field visits, and criteria for review will be established by the team.

4. *The DSC program should have systems in place to ensure accountability and responsibility for spending AML funds and a process to assure that such systems are working.*

Meetings to discuss grant related issues will be initiated at the necessity of either OSM or DSC.

5. *Information on AML Program operations and accomplishments should be gathered and maintained in an effective manner.*

Iowa will continuously maintain it's part of the AMLIS and other data management systems as needed to supply informational needs of the AML program. Iowa will provide accomplishments data to OSM for the annual report by October 8, 2002.

6. *Emergency Program inquiries should be addressed in a timely and effective manner and in compliance with the emergency guidelines*

*outlined in OSM Directive GMT-10. Only that action necessary to abate the emergency should be taken under the emergency program.*

OSM, in cooperation with DSC, will promptly investigate emergency program inquiries to insure approved criteria is met and abatement is timely and limited to the emergency.

**B. Title V Topics**

1. *Tables (as required by REG-8, dated July 28, 1999, and all applicable amendments)*

DSC will provide data to complete or provide the completed annual report tables 2, 3, 5, and 7. The data will be submitted to OSM by October 15, 2002. OSM and DSC staff will review this submission for consistency. Tables 1, 4, 8, and 9, will be completed by OSM.

2. *Off-Site Impacts (as required by REG-8, dated July 28, 1999, and all applicable amendments)*

OSM will assess the effectiveness of the State program in protecting the environment and the public from off-site impacts resulting from surface coal mining and reclamation operations. Data will be captured and incorporated into Table 4. A findings report will be completed by September 27, 2002.

3. *Customer Service (Outreach)*

During EY2002, OSM will review DSC's handling of bond releases in relation to its effectiveness in providing customer service. OSM will consider timeliness, accuracy, completeness, and appropriateness of the State's bond release actions. A final report will be completed by September 27, 2002.

4. *End Results*

OSM will review the end results of DSC's reclamation efforts. This review will assess the effectiveness of the Iowa program in ensuring successful reclamation on lands affected by surface coal mining operations.

A final report will be completed by September 27, 2002. This report will include a narrative discussion of the issues related to reclamation, and data for presentation in Tables 5 and 6 of the oversight report.

5. *Surety Reclamation*

OSM and DSC will jointly review the end results of surety reclamation. This review will assess the timeliness and effectiveness of surety's conducting reclamation in lieu of bond forfeiture. A final report will be completed by September 27, 2002.

**IV. *Inspection and Enforcement (I & E) Data Collection and Reporting***

Based on the OSM/State I & E Data Team Report, the Management Council and OSM's Director have recommended that the following data collection be initiated and identified in the Performance Agreement:

\$ *Enforcement Data*

The number and type of State Notice Of Violation's and Cessation Order's and the number of violations associated with each action.

\$ *Inspection Data Where the State is the Regulatory Authority*

The number of State inspections conducted by type (complete, partial) and the status of each unit inspected (active, inactive, abandoned, exploration).

\$ *Lands Unsuitable Petitions*

The number received, rejected, pending, or approved.

DSC and OSM, will continue to share and exchange this data electronically. All data for EY2002 will be submitted to OSM by October 7, 2002.

**V. *Program Amendments***

OSM will review Iowa's timely submittal of program amendments in response to 30 CFR 732 and part 884 letters, if issued. This includes the following three items that are being carried over from EY2001:

- A. Multiple topics – 30 CFR Part 732 letter 6/17/97 (9 issues remaining). The estimated submittal period will be in the second quarter of the evaluation year.
- B. AML Plan per 30 CFR Part 884 letter 9/26/94. The estimated submittal period will be in the second quarter of the evaluation year.
- C. Valid Existing Rights (VER) - - 30 CFR Part 732 letter 8/23/00. OSM responded on December 20, 2000 to a request from the DSC to review its approved

regulatory program to determine whether or not it was in compliance with the new VER regulations. This letter identified the necessary changes to DSC's program. Iowa will complete any needed actions by the second quarter of the evaluation year.

Signatures:

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Kenneth R. Tow, Chief  
Mines and Minerals Bureau  
Division of Soil Conservation  
Department of Agriculture and Land Stewardship

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Date

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John W. Coleman, Grants and Oversight Team Leader  
Mid-Continent Regional Coordinating Center  
Office of Surface Mining

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Date