

2023 Abandoned Mine Land and Acid Mine Drainage Grant Program GUIDANCE

2023 Application Round 1 – March 6, 2023, through 11:59 p.m. April 28, 2023

2023 Application Round 2 – July 3, 2023, through 11:59 p.m. August 25, 2023

2023 Application Round 3 – October 2, 2023, through 11:59 p.m. December 2, 2023

The Pennsylvania Department of Environmental Protection's (DEP) Bureau of Abandoned Mine Reclamation (BAMR) is authorized through the United States Department of the Interior's (DOI) Office of Surface Mining Reclamation and Enforcement (OSMRE) to issue grants for the purpose of abandoned mine land (AML) reclamation and acid mine drainage (AMD) treatment or abatement. Depending upon the nature of the activities described in the grant application, funding from the passage of H.R. 3684 - Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), Abandoned Mine Land Economic Revitalization (AMLER) funds, or funds authorized by Title IV of the Surface Mining Control and Reclamation Act (SMCRA) may be applied to projects in accordance with 2 CFR 200 for the administration, cost principles, and audit requirements of grants awarded through the AML/AMD Grant Program. In 2023, three rounds will open and close at the dates and times listed above.

Eligible Applicants

To be eligible to receive a grant, applicants must be one of the following types of organizations or obtain a sponsor that is one of the following types of organizations:

- County or municipality
- County conservation district
- Council of government
- Municipal authority
- Other appropriate **incorporated nonprofit organization** including the following:
 - Incorporated watershed association
 - Entity whose mission is to further the protection, enhancement, conservation, or preservation of Pennsylvania's environmental resources, including foundations, conservancies, environmental associations, and commissions

Applicants must have met all contractual obligations from prior grants or be a **new** applicant and have previously demonstrated diligence and competency in the administration and use of DEP-disbursed, Commonwealth, or federal funds, including the timely submission of completed reports and reimbursement requests.

Applications submitted by ineligible applicants or ineligible sponsors will not be considered.

Eligible Projects

Projects eligible to receive a grant through the AML/AMD Grant Program must reclaim or enhance AML sites that pose a threat to the environment and/or public health and safety, as specified in SMCRA. Sites must be determined eligible by BAMR, entered into both DEP's and OSMRE's AML inventory systems, and, in most cases, associated with a coal mine that was abandoned prior to August 3, 1977.

Projects shall primarily focus on the reclamation of AML, abatement of AMD through reclamation, and/or treatment of AMD through the construction, operation, and/or maintenance of an AMD treatment facility. The reclamation of environmental and/or public health and safety problems unrelated to abandoned coal mines will not be considered. Projects must directly achieve, or develop and/or design a project that will achieve, quantifiable reclamation and environmental improvements through accepted and proven practices and theories as determined by DEP. Projects that will not achieve quantifiable environmental improvement or that are solely research and development oriented will not be considered.

A federal Authorization to Proceed (ATP) from OSMRE, in accordance with the National Environmental Policy Act (NEPA), must be obtained before reclamation work commences. As such, early and continual coordination and communication with BAMR staff is strongly encouraged during the application process to allow for preparation of ATP submittals by BAMR staff. Once a grant application is submitted, coordination with BAMR personnel specific to the submitted application will not be permitted until after the application is scored and the grant awards are announced.

Please contact BAMR staff with any questions regarding project eligibility.

For AMLER eligibility, please review the current *Guidance for Project Eligibility Under the AMLER Program* found at <https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands/amlr>.

For BIL funding eligibility, please review the *Guidance on the BIL AML Grant Implementation* found at <https://www.osmre.gov/bil>.

Property Owner Consent

A Consent for Right of Entry for all property owners affected by the study, design, construction, or operation and maintenance of AML reclamation or AMD treatment facilities must be obtained prior to project commencement. Coordination with BAMR staff **is** required to determine and obtain the appropriate property owner consent.

A letter of project acknowledgement and support will be required from all property owners affected by the development of a project concept or solution involving entry on to private property for project monitoring purposes.

It is the applicant's responsibility to verify property ownership and other potentially affected property rights. In cases of complicated real estate, BAMR real estate staff may be available to assist. For real estate questions, please contact Ruth Scotti by e-mail at rscotti@pa.gov.

AML/AMD Grants Funding

A total of at least \$96 million is available under the 2023 AML/AMD Grant Program, with at least \$32 million available to award in each of the three grant program rounds. In addition, any unused funds from the previous grant program round will roll over to the next program round. It is estimated that the amounts, outlined in the following table, will be the minimum amounts available for each project category in each program round:

2023 AML/AMD Grant Program	Round 1 March 6, 2023, through April 28, 2023	Round 2 July 3, 2023, through August 25, 2023	Round 3 October 2, 2023, through December 2, 2023
AML Reclamation Projects	\$10 million	\$10 million	\$10 million
AMD Operation & Maintenance Projects (or replacement of existing AMD facility)	\$7 million	\$7 million	\$7 million
New AMD Treatment Facility Projects	\$7 million	\$7 million	\$7 million
AMLER-Related Projects*	\$8 million	\$8 million	\$8 million

*AMLER funding is contingent on the continuation of the AMLER Program in the federal budget.

Eligible projects could receive funding from multiple categories if the project contains both AML reclamation and AMD components. AMLER funding is available for both AML reclamation and AMD projects, provided that AMLER project eligibility requirements have been met.

The scoring system will allow for statewide ranking of all eligible AML/AMD Grant Program applications for each round. Applications deemed eligible by BAMR will be awarded grants based upon their corresponding application scores until available funds, as designated for each 2023 grant program round, are depleted.

Other Key Provisions of the AML/AMD Grant Program

If awarded, the applicant will be required to enter into a grant agreement with DEP as a subrecipient of a federal subaward (grantee).

All funding is strictly through reimbursement only. Working capital advancements are not permissible.

There are no matching fund requirements; however, leveraging other federal, state, or local funding is encouraged.

The period of performance for each grant agreement will be determined by BAMR and will not exceed three (3) years beyond the award date.

Consistent with 2 CFR 200.328, a grantee is required to submit quarterly progress and financial reports within 30 days of the end of each federal fiscal quarter.

The federal de minimis rate for indirect costs is 10% of the grantee’s direct cost, amount unless the grantee has an approved, pre-negotiated federal indirect cost rate. In most cases, the grantee’s direct costs to the project will largely consist of salaries and fringe benefits. Indirect costs are not calculated based upon a percentage of the total grant amount.

Procurement by the grantee should follow a process consistent with the grantee’s rules, bylaws, or standard operating procedures and adhere to relevant sections of 2 CFR 200 and all applicable local, state, and federal laws.

The [Davis Bacon Act](#) and [Build America, Buy America \(BABA\)](#) may apply to these grants.

Applying for coverage under Pennsylvania's [Environmental Good Samaritan Act](#) for appropriate projects is also strongly encouraged.

General AML/AMD Grant Program Priorities

Priorities for the AML/AMD Grant Program include:

- Reclaiming serious human health and safety problems resulting from abandoned coal mines.
- Completing AMD abatement and treatment projects that will assist in meeting watershed restoration goals where Hydrologic Unit Plans and Qualified Hydrologic Units have been established.
- Addressing the operation and maintenance needs and/or upgrades of existing AMD treatment systems, where the failure to do so will result in the loss of restored stream miles.
- Achieving significant, measurable water quality improvements that will contribute toward watershed restoration.
- Completing AMD projects with alternate or third-party funded operation and maintenance (projects that do not rely upon SMCRA, BIL, or AMLER funding for continued operation and maintenance).
- Completing AML/AMD projects located in or directly affecting Environmental Justice (EJ) Areas. DEP identifies an EJ Area where 20 percent or more individuals live at or below the federal poverty line, and/or 30 percent or more of the population identify as a non-white minority, based on data from the U.S. Census Bureau and the federal guidelines for poverty. DEP has created an interactive mapping tool called [EJ Areas Viewer](#) to determine the location of all EJ Areas throughout Pennsylvania. DEP's EJ Areas Viewer can be launched at dep.pa.gov/EJViewer. For questions regarding EJ, please contact DEP's Office of Environmental Justice at RA-EPOEJ@pa.gov.

Note: BAMR is unable to review, issue, or enforce permits issued under 25 Pa. Code Chapters 102, 105, and/or 106 related to projects that will be funded through a grant agreement (subaward). Any questions related to permitting requirements for potential or selected AML/AMD Grant Project project applications should be directed to the appropriate [county conservation district](#) or [DEP regional office](#).

AMD Project Priorities

Priority will be given to AMD projects that improve water quality through reclamation and/or AMD source abatement that is not dependent on a treatment system and does not result in unmanaged stream improvements. The selection of managed stream improvement and restoration projects that depend on a treatment system will be prioritized based upon DEP's 2016 [AMD Set-Aside Program Implementation Guidelines](#).

Specifically, projects that provide measurable benefits, utilize appropriate treatment technology selection, and assure long-term (i.e., approximately 25 years) operation and maintenance of the treatment facility will be prioritized. Proposed passive treatment systems that would treat net acidic discharges that fall under the "high risk" category in *Table 1 - Risk Analysis Matrix for Category (4) Passive Treatment Systems* must provide a description assuring long-term operation and maintenance. Applications for "high risk" passive treatment systems are acceptable if a schedule, reasonable assurance of monitoring and maintenance, and party responsible for continued operation and maintenance costs are identified. An AMD Treat program report or properly performed loading analysis demonstrating the watershed improvement must be included for all AMD projects. At least one year of water monitoring must be included with the analysis. Priority will be given to projects that can demonstrate long-term operation and maintenance funding has been secured. The applicant must include a disclosure of the amount of third-party operation and maintenance funding and the modeling

used to support the funding claim with their application. Applications noting an inappropriate AMD treatment technology – meaning a treatment technology determined most likely to be unsuccessful based upon DEP expertise and experience – will not be considered.

Table 1 - Risk Analysis Matrix for Category (4) Passive Treatment Systems

Risk Analysis Matrix				
Summation of Fe and Al Concentration	Design Flow Rate for each treatment cell			
	< 25 gpm	≥ 25 < 50 gpm	≥ 50 < 100 gpm	≥ 100 < 200 gpm
< 5 mg/L	Low	Low	Low	Low
≥ 5 but < 15 mg/L	Low	Medium	Medium	Medium
≥ 15 < 25 mg/L	Low	Medium	Medium	Medium
≥ 25 < 50 mg/L	Medium	Medium	Medium	High
≥ 50 mg/L	High*	High*	High	High
Summation of Fe and Al Concentration	Design Flow Rate for each treatment cell			
	≥ 200 < 400 gpm	≥ 400 < 800 gpm	≥ 800 < 1600 gpm	≥ 1600 gpm
< 5 mg/L	Medium	Medium	Medium	High
≥ 5 but < 15 mg/L	Medium	High	High	High
≥ 15 < 25 mg/L	High	High	High	High
≥ 25 < 50 mg/L	High	High	High	High
≥ 50 mg/L	High	High	High	High

* Systems in consideration for discharges in these two categories will drop to “Medium” risk if the following conditions are met:

- A thorough analysis of the proposed system determines that the design addresses plugging and short-circuiting concerns
- An O&M plan is developed that details added attention to O&M (including identification of personnel who will provide O&M, and identification of responsibilities) to address plugging and short-circuiting concerns and sludge management
- Total treatment system costs are <\$400,000 OR the Applicant indicates in writing that they will purchase a performance bond for an amount at least equal to the Engineer’s cost estimate for construction and will maintain said bond for a period of no less than five (5) years from the date the system is placed into service.. The level of performance guaranteed by the bond will be the design standard, which is what will be rated/considered during the evaluation.

Contacts for Applications Related to AML

IMPORTANT: Coordination with the following offices concerning the AML/AMD Grant Program before or during the grant application preparation process is strongly recommended.

Bituminous Coal Region
 BAMR Cambria District Office
 Kelsey Canary
 814.472.1825
kcanary@pa.gov

Anthracite Coal Region
 BAMR Wilkes-Barre District Office
 TJ Matinas
 570.830.3172
tmatinas@pa.gov

Either Coal Region
 BAMR Central Office
 Jeremy Byler
 717.783.9583
jerbyler@pa.gov

The [Territory Map](#) indicates which counties fall into a particular coal region.

Contacts for Applications Related to AMD

IMPORTANT: Coordination with the following offices concerning the AML/AMD Grant Program before or during the grant application preparation process is strongly recommended.

Bituminous Coal Region

BAMR Cambria District Office

Jon Smoyer

814.472.1884

josmoyer@pa.gov

Anthracite Coal Region

BAMR Wilkes-Barre District Office

Todd Wood

570.830.3171

twood@pa.gov

The [Territory Map](#) indicates which counties fall into a particular coal region.

Contact for Statewide Real Estate Questions

Ruth Scotti

Right of Way Administrator

570.830.3174

rscotti@pa.gov

How to Apply

The application document and attachments must be completed and uploaded into the Commonwealth's [eGrants system](#) by the application deadline for each round.

For assistance with the eGrants System please contact the Pennsylvania Department of Community and Economic Development's Customer Service Center by email at ra-dcedcs@pa.gov or by phone at 1.800.379.7448.

An example of the AML/AMD Program application is attached in the appendix.