

R. Agnew



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P. O. Box 2063
Harrisburg, PA 17105-2063
August 21, 2008

Office of Mineral Resources Management

717-783-9958

Ms. Sheila Hartless
Office of Surface Mining Reclamation and Enforcement
Appalachian Regional Coordinating Center
3 Parkway Center
Pittsburgh, PA 15220

Dear Ms. Hartless:

This letter transmits the signed original and one copy of Pennsylvania's FFY 2009 Administrative and Enforcement Grant application. The application requests federal funding of \$12,684,549.50 for the period of October 1, 2008 through September 30, 2009.

It is requested that the Harrisburg Field Office obtain necessary clearances to satisfy the Intergovernmental Review Process.

Should you have any questions or require additional information, please contact Geoffrey Lincoln at 717-783-9582 or the Bureau of Fiscal Management at 717-787-1319.

Sincerely,

For J. Scott Roberts
J. Scott Roberts, P.G.
Deputy Secretary for
Mineral Resources Management

cc: George Rieger



bcc: J. Stefanko
J. Pizarchik
M. Terretti
J. Scaffoni
R. Gilius
R. Fletcher
S. Shinkman
R. Agnew
G. Lincoln
K. Kellenberger
J. Kost (GC)
B. Barner (F&BC)
J. Stramara (HMC)
T. Tulaney
G. Kreiser

Application for Federal Assistance SF-424

Version 02

***1. Type of Submission:**

- Preapplication
- Application
- Changed/Corrected Application

***2. Type of Application**

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s)

*Other (Specify) _____

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: PA Department of Environmental Protection

*b. Employer/Taxpayer Identification Number (EIN/TIN):
23-2632825

*c. Organizational DUNS:
135668887

d. Address:

*Street 1: P.O. Box 2063
Street 2: 400 Market Street
*City: Harrisburg
County: Dauphin
*State: PA
Province: _____
*Country: United States
*Zip / Postal Code 17105-2063

e. Organizational Unit:

Department Name:
Mineral Resources Management

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Geoffrey
Middle Name: _____
*Last Name: Lincoln
Suffix: _____

Title:

Organizational Affiliation:
Bureau of Mining and Reclamation

*Telephone Number: 717-783-9582

Fax Number: 717-763-4675

*Email: glincoln@state.pa.us

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

A.State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Interior

11. Catalog of Federal Domestic Assistance Number:

15.250

CFDA Title:

Administrative and Enforcement Grant

***12 Funding Opportunity Number:**

***Title:**

13. Competition Identification Number:

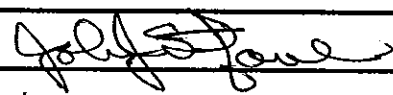

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Statewide

***15. Descriptive Title of Applicant's Project:**

Implementation of Pennsylvania's Coal Mining Regulatory Program as provided in Section 503 of the Surface Mining Control & Reclamation Act of 1977, P.L. 95-87 & CFR 731.

Application for Federal Assistance SF-424		Version 02
16. Congressional Districts Of:		
*a. Applicant: 17	*b. Program/Project: Statewide	
17. Proposed Project:		
*a. Start Date: 10/01/2008	*b. End Date: 09/30/2009	
18. Estimated Funding (\$):		
*a. Federal	12,884,549.50	
*b. Applicant	12,884,549.50	
*c. State		
*d. Local		
*e. Other		
*f. Program Income		
*g. TOTAL	25,369,099.00	
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____		
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input type="checkbox"/> c. Program is not covered by E. O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)		
<input checked="" type="checkbox"/> ** I AGREE		
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions		
Authorized Representative:		
Prefix: Mr.	_____	*First Name: J. _____
Middle Name:	Scott _____	
*Last Name:	Roberts _____	
Suffix:	_____	
*Title: Deputy Secretary for Mineral Resources Management 		
*Telephone Number: 717-783-5338	Fax Number: _____	
* Email: jayroberts@state.pa.us		
*Signature of Authorized Representative: 	*Date Signed: 8/20/08	

U. S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
BUDGET INFORMATION REPORT

IMPORTANT: Please read instructions on the reverse of this page before completing form.


A. Program: Pennsylvania's Regulatory Program
 B. Grantee: Department of Environmental Protection
 C. Grant Program: Administrative and Enforcement Grant
 D. Rate of Federal Sharing (%): 50%

E. Budget Period (Month, Day, Year):
 Beginning Date: 10/01/08
 Ending Date: 09/30/09

F. Mark X in Appropriate Box:
 New Budget
 Revised Budget

PROGRAMS/FUNCTIONS/ACTIVITIES	District Mining Operations	Mining and Reclamation	Office of Chief Counsel	Abandoned Mine Reclamation	Oil and Gas Management	Deep Mine Safety	Total
1. Personnel	\$ 9,518,609	\$ 1,250,744	\$ 838,587	\$ 28,897	\$ 95,524	\$ 143,609	\$ 11,875,970
2. Fitness Benefits	\$ 3,717,568	\$ 488,488	\$ 327,517	\$ 11,286	\$ 37,308	\$ 56,088	\$ 4,638,255
3. Travel	\$ 203,096	\$ 53,664	\$ 15,000	\$ -	\$ -	\$ 10,000	\$ 281,760
4. Equipment	\$ 380,000	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ 415,000
5. Supplies	\$ 105,000	\$ 80,000	\$ 4,000	\$ -	\$ -	\$ 12,000	\$ 201,000
6. Contractual	\$ 50,000	\$ 1,031,500	\$ 5,500	\$ -	\$ -	\$ 5,500	\$ 1,092,500
7. Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8. Other	\$ 1,279,720	\$ 7,200	\$ 2,400	\$ -	\$ -	\$ 10,000	\$ 1,299,320
9. Total Direct Charges	\$ 15,253,993	\$ 2,911,596	\$ 1,193,004	\$ 40,183	\$ 132,832	\$ 272,197	\$ 19,803,805
10. Indirect Charges	\$ 4,460,592	\$ 586,121	\$ 392,977	\$ 13,542	\$ 44,764	\$ 67,298	\$ 5,565,294
11. Total	\$ 19,714,585	\$ 3,497,717	\$ 1,585,981	\$ 53,725	\$ 177,596	\$ 339,495	\$ 25,369,099
12. First Quarter							
13. Second Quarter							
14. Third Quarter							
15. Fourth Quarter							
16. Total							
Section D by Course							
Section D for Income							
17. Non-Federal Share							12,684,549.50
18. Federal Share							12,684,549.50
19. Program Income							

Section E Indirect Cost Type: Predetermined Total Amount \$ _____
 Provisional Base \$ _____
 Final \$ _____

G. Signature of Authorizing Official: 
 Name and Title (type or print): J. Scott Roberts, Deputy Secretary for Mineral Resources Management
 Telephone Number (Area Code, Number): 717-783-5338

FY 2009 OSM TITLE V GRANT NARRATIVE

Objectives and Need for Assistance

The purpose of the Administrative and Enforcement (Title V) grant is to provide funding to support the Commonwealth of Pennsylvania's implementation of the Title V provisions of the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87 (SMCRA). The implementation of this program is primarily managed by the Department of Environmental Protection's (DEP) Office of Mineral Resources Management, with assistance from other DEP Bureaus and Commonwealth agencies, as discussed in further detail below. Implementation of the program is in accordance with DEP's OSM-approved program. Pennsylvania achieved primacy under SMCRA in July 1982 and has successfully implemented the program since then. Annually, DEP receives this grant under the provisions of Title V (50% Federal/50% State) to support Title V program activities. This grant application is for the period from October 1, 2008 through September 30, 2009.

Results and Benefits Expected

The results and benefits expected from fulfillment of the Title V grant functions are the environmental regulation of the coal mining industry in Pennsylvania, to maintain at least a 95% compliance rate with the OSM approved program and SMCRA.

Approach

The Title V regulatory program and this grant will be implemented by the DEP primarily through the Bureaus of District Mining Operations and Mining and Reclamation. Additional support is provided by the following DEP Offices/Bureaus and Commonwealth agencies:

DEP Offices/Bureaus:

- Bureau of Abandoned Mine Reclamation
- Bureau of Oil and Gas Management
- Bureau of Laboratories
- Office of Chief Counsel
- Bureau of Mine Safety

Commonwealth agencies:

- Pennsylvania Historical and Museum Commission
- Pennsylvania Fish and Boat Commission
- Pennsylvania Game Commission

All administrative activities associated with this grant will be performed in accordance with approved Commonwealth and DEP policies and procedures and federal guidelines, regulations and circulars, as appropriate. These activities include functions associated with personnel management, budgeting and accounting, data management and record keeping, purchasing and contracting, and facilities and vehicle management.

Bureau of District Mining Operation (BDMO)

BDMO implements the Title V Mining Regulatory Program as developed by the Bureau Mining Reclamation (see below) and provides the appropriate field component necessary to achieve the anticipated results and benefits. Permitting, bonding, inspections and enforcement activities are performed by staff in the Cambria, California, Greensburg, Moshannon, Knox and Pottsville District Mining Offices.

BDMO is also responsible for ensuring that reclamation is completed on primacy (Title V) bond forfeiture sites using the forfeited penal bond monies supplemented by other sources of funding such as the Surface Mining Conservation and Reclamation Fund and other special appropriations. Treatment options on primacy bond forfeiture sites with post-mining polluttional discharges are being evaluated and addressed using the forfeited penal bond monies and funds from the Alternative Bonding System (ABS) pool as appropriate. Site evaluations, preparation of notification and contracting documentation, inspections and contract management are being performed by District Office staff.

Additionally, BDMO is responsible for authorization, inspection and enforcement activities related to underground mine subsidence control plans and the effects on intermittent and perennial streams and their associated riparian/wetland areas; residential, commercial and agricultural structures; and various types of infrastructure.

BDMO continues to move forward in ensuring that mining operations with post-mining polluttional discharges have adequate finances in place to allow treatment to continue for as long as necessary.

Several new Information Technology (IT) initiatives are being considered at this time. These include electronic permitting, electronic submittal of sampling and monitoring data and enhancements to the Department's eFacts database to track post-mining discharge treatment funding and the Mine Drainage Inventory (MDI).

Bureau of Mining and Reclamation (BMR)

BMR is responsible for overall maintenance of the OSM approved primacy program. BMR provides central support for the mining regulatory program. This includes management and development of policies, regulations, program amendments and technical guidance for all types of Title V activities. These activities include permitting, inspection and enforcement, bonding and bond forfeiture, Applicant Violator System utilization, lands unsuitable for mining, and the Small Operator Assistance Program. BMR's administrative activities support the overall Title V program, such as contract administration, information management, licensing of mine operators and contract operators, and the management and coordination of technology related issues.

Bureau of Abandoned Mine Reclamation (BAMR)

The Department's Bureau of Abandoned Mine Reclamation has been delegated the responsibility to ensure the reclamation of pre-primacy bond forfeiture sites by utilizing available funds consisting of forfeited penal bond moneys supplemented by the Surface

Mining Conservation and Reclamation Fund. Aside from the actual "cost to reclaim" which is reflected in site-specific contracts, this office commits resources annually for conducting the bond forfeiture program which include: site evaluations, preparation of bid documents for construction contracts, construction inspections, and contract management. Prior to July 2004 the Bureau of Abandoned Mine Reclamation was responsible for both primacy and pre-primacy bond forfeiture sites. Effective July 1, 2004 responsibility for primacy bond forfeiture sites was transferred to the Bureau of District Mining Operations and the Bureau of Mining and Reclamation.

Bureau of Oil and Gas Management (BOGM)

BOGM collects and maintains information on the location and status of oil and gas wells in Pennsylvania. This information is then available to the mining industry to include the required location of oil and gas wells in areas in the mining permit applications. The Pennsylvania Oil and Gas Act requires underground mine operators obtain a pillar permit to leave solid coal around existing wells. Surface mine operators are also required to leave a barrier around oil and gas wells at surface mining operations. BOGM works with coal owners, mine inspectors, mine operators and well operators in the permitting of mines, coal pillars and any other mining activities impacting oil and gas wells.

Bureau of Laboratories (BOL)

BOL's objective in regard to the OSM Grant is to provide the analytical support needed for the program. This includes actual analysis and data input to the Department's Sample Information System, technical consultations and administrative support associated with the mining regulatory program. As part of the OSM Grant supported program, it is anticipated that BOL will analyze over 20,000 samples, which will enable proper assessment of the mining sites being monitored and evaluated.

BOL bills their customers on a "cost per hour" basis for services provided. BOL has determined that the average cost per hour of analysis, including personnel, operating, equipment and all other relevant costs is \$154.00 (current hourly rates presently under review for FY09 period). The projection for the FY 2009 Title V program will be approximately 7,980 hours. All costs for laboratory analysis are included under the Other Cost Category in this application.

Office of Chief Counsel (OCC)

The Office of Chief Counsel (OCC) provides legal services and representation to the Department of Environmental Protection. OCC has worked actively in all aspects of the Department's mining regulatory program, and the mining program generates a significant portion of OCC's workload. Attorneys and staff work on the preparation, review, and interpretation of rules and regulations; legislative drafting and interpretation; initiation and support of DEP enforcement actions, including settlement negotiations, administrative, civil, and criminal trials and appeals; imposition and collection of civil penalties; preparation of contracts; review and approval of bonds and other financial guarantee instruments; and bond forfeiture. Attorneys work with program staff in the

issuance of permits and at each step of the compliance process. OCC attorneys also assist the program with special projects to improve regulations and encourage operator compliance.

The Office provides both counseling and representation services to the mining regulatory program, and close cooperation is required between attorneys and program staff. As a result, continuous and consistent legal support is provided to the Department's regulatory program. Overall, the efforts of the attorneys and staff have resulted in a more effective and defensible program.

Bureau of Mine Safety (BMS)

The Bureau of Mine Safety (BMS) has partnered with other MRM agencies to perform subsurface mine subsidence inspections and investigations throughout the bituminous mine region. During the course of their underground safety activities, BMS inspectors will perform observations, plan reviews and site verifications regarding the appropriate mine subsidence regulations. Each district mine inspector will be responsible for the subsidence investigations within the assigned district. Work codes have been established and are being used to provide accounting controls.

BMS will continue to partner with OSM and MRM personnel in digitizing old mine maps. This is part of the Department's mine map preservation and digitization effort. BMS will conduct an underground mine safety analysis for all underground mine permits submitted to the California District Mining Office. These reviews will include BMS mine inspectors, mine engineers, and management.

The Bureau provides professional development opportunities for engineering, inspection, and management personnel. These include attendance at OSM-sponsored workshops and seminars and other mining organizations such as Intrastate Mining Compac Commission, Society of Mining, Metallurgy and Exploration, National Institute of Occupational Safety and Health, state and federal mining organizations and academia.

BMS has partnered with the other MRM agencies to perform subsurface mine subsidence inspections and investigations throughout the bituminous mine region. During the course of their underground safety activities, BMS inspectors will perform observations, plan reviews and site verifications regarding appropriate mine subsidence regulations. Each DMS inspector will be responsible for the subsidence investigations within the assigned district. Work codes have been established and are being used to provide accounting controls. BMS will continue to partner with OSM personnel in Greentree on standards for digitizing old mine maps. This is part of the Department's mine map preservation and digitization effort. BMS will provide an underground mine safety analysis for all underground mine permits submitted to the California District Mining Office. These reviews will include input from BMS mine inspectors, mine engineers, and management. BMS plans on providing professional development opportunities for engineering, inspection, and management personnel. These include attendance at OSM-sponsored workshops and seminars and other mining organizations such as Intrastate Mining Commission, Society of Mining, Metallurgy and Exploration, National Institute of Occupations Safety and Health, state and federal mining organizations and academia.

Pennsylvania Historical and Museum Commission (PHMC)

PHMC is responsible for managing historic and archeological resources in Pennsylvania and improving the management of cultural resources, which may be affected by mining activities.

PHMC provides assistance to permit applicants in assessing the potential of their project to affect significant cultural resources. This allows archaeological and historical sites to be preserved and protected and provides for significant data to be recovered from sites prior to mining activities. Funding for GIS data entry and web based distribution of information is part of a multi-million dollar project in partnership with PHMC, the Department of Transportation, and the Department of Environmental Protection. An Information Technology Generalist 2 works with the GIS Historic Preservation Specialist who supervises data entry and retrieval, applications and data coordination and determine locations for unmapped cultural resources for the collection, management and dissemination of the bureau mission-critical cultural resource data sets. Continued funding under the OSM grant will be applied to the on-line GIS program to assist in permitting for mining projects. Accurate and up-to-date on-line access to historic structures and archaeological site information will assist applicants seeking mining permits through a qualified cultural resource consultant and reduce travel and research time. This funding will also assist in a much larger project to make on-line project review a reality for this program area.

PHMC's Historic Preservation Supervisors and Historic Preservation Specialists will review all mining permit and pre-permit applications submitted to this agency for their effect on archaeological and historic resources under the authority of Section 106 of the National Historic Preservation Act. Field visits will be conducted when appropriate to evaluate the effect of mining on archaeological and historic properties. The remoteness of many of these permit areas necessitates the use of a 4-wheel drive vehicle. The project will also include meetings with miners, government agencies and various other interested groups. Public education to the mining communities will be emphasized.

The Historic Preservation Supervisors and Historic Preservation Specialists will continue to update PASS files, historic survey files, and compliance survey files for the coal region of Pennsylvania using the GIS system. The continued use of the GPS unit enables the field archaeologist to accurately locate resources (archaeological sites and historic buildings) that are investigated during the field visits and the digital camera relays the results to the.

PHMC will coordinate efforts with various other agencies including DEP and OSM to make cultural resource data available thorough the Internet to facilitate online project review. This will greatly expedite review, cut down on excessive paperwork, and create a better, more comprehensive tracking system. Last year, a committee worked regularly until a business plan was mapped out for how this process would work. Presently, resources are needed to provide the next step to make this operational. To this end, PHMC is still actively looking for additional partners to bring this initiative to fruition.

PHMC will provide permitting, monitoring and enforcement, and lands unsuitable for mining efforts in the amount of \$265,376 (federal funds \$132,688 with state match of \$132,688) as follows:

APPROXIMATE TOTAL COSTS FOR REGULAR FFY2009 ACTIVITY

Salaries	\$129,294
Benefits	53,010
Travel	10,946
Supplies	2,000
Other (phone/copier, accounting services)	2,000
Indirect Costs	68,126
Total	\$265,376

Pennsylvania Fish and Boat Commission (PFBC)

It is the policy of DEP and PFBC to require that care and effort be made during any mining operation to maintain, enhance where practicable, or restore streams, wetlands, lakes, and riparian vegetation as functioning parts of the ecosystem upon which aquatic resources depend. DEP will seek advice and counsel of the PFBC relating to the protection of aquatic resources regulations including specific requirements and procedures for applicants of coal mining permits to delineate wetlands and to describe measures to be taken to avoid unnecessary adverse impacts on wetlands and other aquatic resources.

PFBC will provide permitting, monitoring and enforcement, and lands unsuitable for mining efforts in the amount of \$112,606 (federal funds \$56,303 with state match of \$56,303) as follows:

Personnel & Benefits	\$ 86,066
Travel	4,500
Supplies	50
Indirect Costs	21,990
Total	\$112,606

Pennsylvania Game Commission (PGC)

PGC is not funded by general tax revenues and must generate all sources of income. We are requesting reimbursement of all money spent to implement review for the mining program. PGC is responsible for managing all wild birds and mammals and their habitats for present and future generations. PGC will conduct a review on every proposed mining permit application, (new, renewal, transfer, pre-application, and revision) submitted to the Commission for conformance to PA 34 Game and Wildlife Code and portions of Title PA 25, Chapters 86, 87, 88, 89, 90, 93, and 105 as they relate to protection of wildlife and their habitat. These reviews are required by The National Environmental Policy Act, The Fish and Wildlife Coordination Act and The Federal Water Pollution Control Act. These reviews are conducted to ensure the protection of wildlife and wildlife habitats including threatened and endangered species and unique and critical habitats. This provides for better protection of wildlife from impacts of mining operations and improved wildlife habitats through reclamation planning.

PGC will provide permitting, monitoring and enforcement, and lands unsuitable for mining efforts in the amount of \$179,000 (federal funds \$89,500 with state match of \$89,500) as follows:

Personnel, Benefits	\$175,000
Travel	<u>4,000</u>
Total	\$179,000

Geographic Location

Coal and potential coal mining activities are found in 45 of Pennsylvania’s 67 counties. Pennsylvania has 2 major coalfields, the Bituminous Field, which covers the western portion of the Commonwealth and the Anthracite Field in the northeastern part of the Commonwealth. Implementation of this grant will involve activities throughout both coalfields, as well as the rest of the Commonwealth, as necessary to support the grant activities.

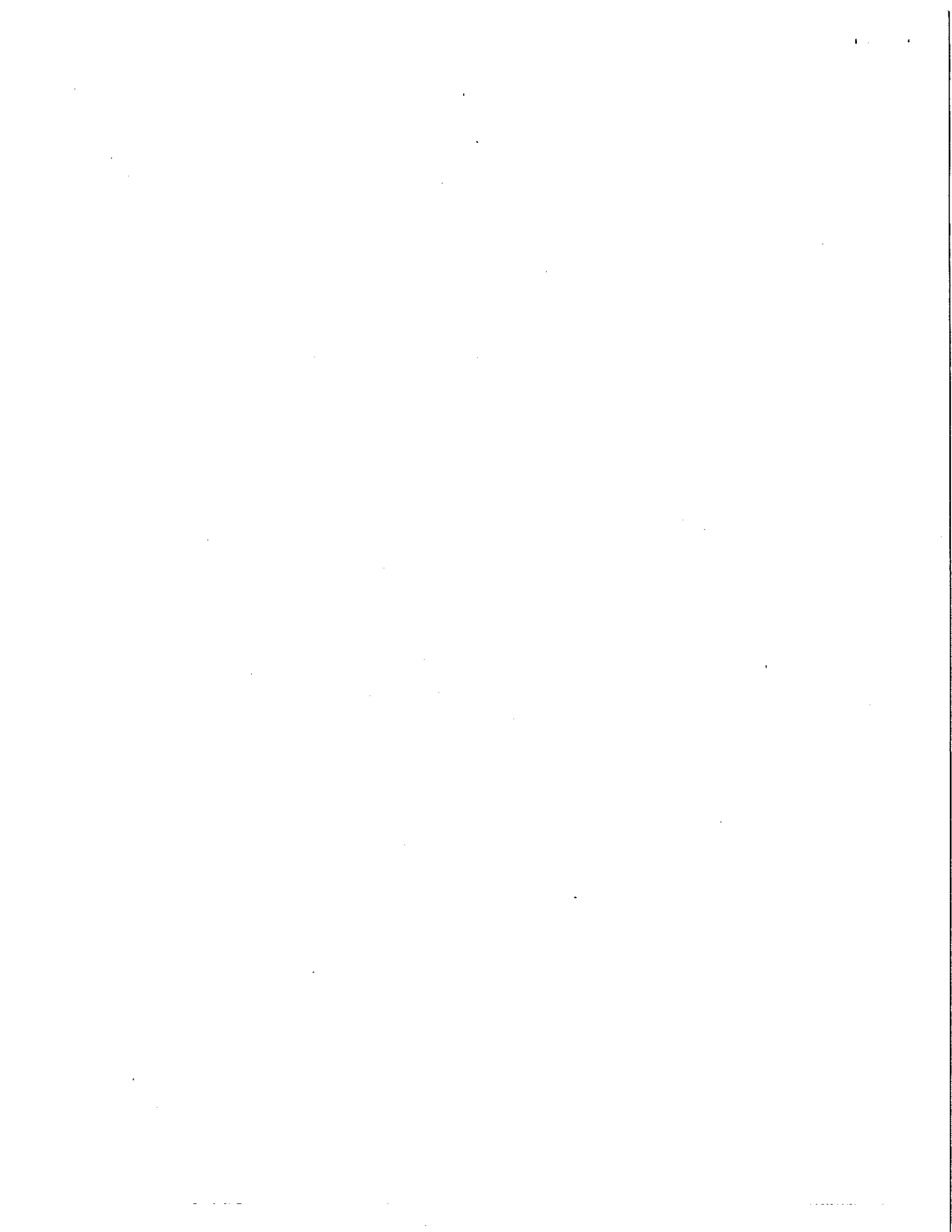
Methodology Used To Distribute Costs to Functions

We have chosen Option 2 as outlined in the Federal Assistance Manual as a means for distributing our total program costs to the various functions/activities funded by this grant. We determined this percentage distribution by reviewing the amount of effort distributed to these functions/activities in our current grant. The estimated percentage distribution of our total costs to the functional activities of the grant is as follows:

<u>Function</u>	<u>Percentage</u>
Permits	20.0
Inspection and Enforcement	35.0
Lands Unsuitable	1.5
Regulatory Program Administrative Activities and Support Cost	42.5
Small Operator Assistance Program (SOAP) Administrative Activities & Support Cost	0.5
AVS	<u>0.5</u>
TOTAL	100

Conclusion

The Commonwealth of Pennsylvania is submitting an application for a total of \$25,369,099 for the FFY2009 Title V grant beginning October 1, 2008. 50% of that total will be provided in the form of State matching funds.



U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
QUANTITATIVE PROGRAM MANAGEMENT INFORMATION
TO SUPPORT

THE INTERIM REGULATORY AND ADMINISTRATION AND ENFORCEMENT GRANT FOR STATE REGULATORY ASSISTANCE

1. Name of Grantee PA's Dept of Environmental Protection 2. Grant Number _____ 3. Period Covered by This Report From October 1, 2008 - September 30, 2009

4. DESCRIPTION OF ACTIVITY (Enter numbers for Budgeted Activity in Column (A) and Actual Activity in Columns (B) & (C))	5. PROGRAM NARRATIVE STATEMENT (Budgeted Activity) (A)	6. PERFORMANCE REPORT (ACTUAL ACTIVITY)		7. PERCENTAGE % (A) + (C) = (D) (D)
		semi-annual (B)	yr. to date (C)	
D. Enforcement Activity:				
1. Notice of Violations issued MOV's & CO's.....	528			
2. Cessation orders issued	62			
3. Enforcement actions undergoing:	60			
(a) Administration Adjudication Civil Penalty Conferences Held	10			
(b) Court adjudication:	-			
(1) Civil cases.....	-			
(2) Criminal cases	-			
4. Number of violations..... Not Available	10			
5. Number of bonds forfeited	109			
6. Number of bonded areas released..... Stage III Completion.....				
E. Lands Unsuitable Activity:				
1. Petitions received:				
(a) Number of petitions				
(b) Acreage involved				
2. Number of Acres designated unsuitable for Surface Mining.....				
F. Administrative Activity:				
1. Authorized State positions	235 WYE's			
2. State position vacancies.....	3			

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
QUANTITATIVE PROGRAM MANAGEMENT INFORMATION
TO SUPPORT

THE INTERIM REGULATORY AND ADMINISTRATION AND ENFORCEMENT GRANT FOR STATE REGULATORY ASSISTANCE

3. Period Covered by This Report
 From October 1, 2008 - September 30, 2009

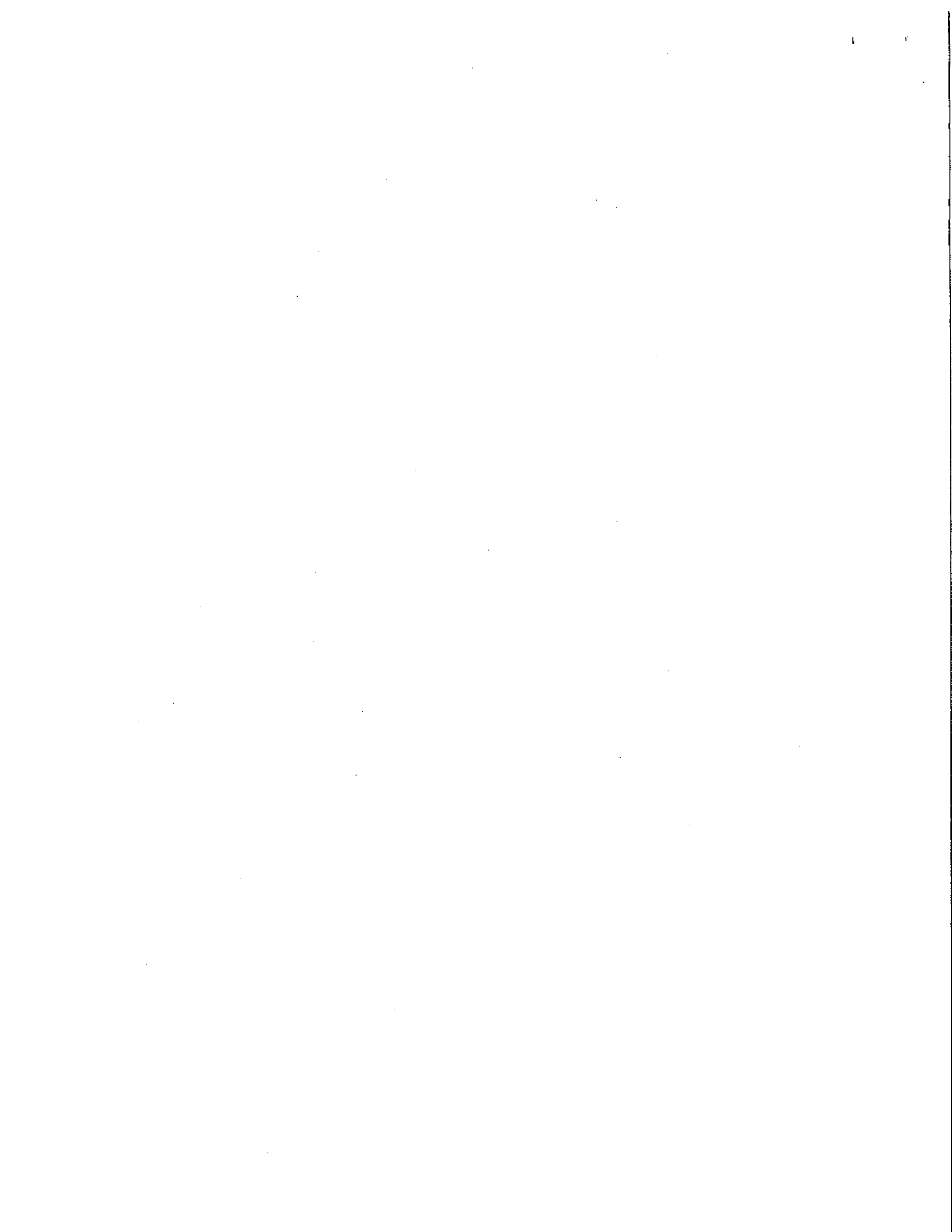
2. Grant Number _____

1. Name of Grantee PA's Dept. of Environmental Protection

4. DESCRIPTION OF ACTIVITY (Enter numbers for Budgeted Activity in Column (A) and Actual Activity in Columns (B) & (C))	5. PROGRAM NARRATIVE STATEMENT (Budgeted Activity) (A)		6. PERFORMANCE REPORT (ACTUAL ACTIVITY)		7. PERCENTAGE % (A) + (C) = (D) (D)
	semi-annual (B)	yr. to date (C)	semi-annual (B)	yr. to date (C)	
A. Permitting Activity:					
1. Applications received..... <i>New Only - All Coal Permit Types</i>	90				
2. Permits issued..... <i>New Only - All Coal Permit Types</i>	72				
3. Amendments received..... <i>Increments Received</i>	86				
4. Permit Amendments Issued..... <i>Increments Issued</i>	71				
5. Regulated facilities:					
(a) Active mines (current mining activity)..... <i>Surface, Reprocessing & Deep (OSM Active)</i>	716				
(b) Mines under reclamation only..... <i>Surface, Reprocessing & Deep (OSM Inactive)</i>	653				
(c) Triples.....	-				
(d) Processing facilities.....	68				
(e) Other..... <i>Coal Refuse Disposal</i>	65				
6. Acreage disturbed (if available)..... <i>New Bonded Acreage</i>	7174				
7. Acreage reclaimed (if available)..... <i>Stage II Bond Release</i>	8032				
B. Inspection Actions:					
1. Complete Inspections:.....	6628				
2. Partial Inspections:.....	10490				
C. Complaints:					
1. Received.....	515				
2. Resolved.....	457				

**FFY 2009 OSM Grant Application
Personnel
Federal Budget Category—01 and 02**

Program	Work Year Effort (WYE)	Salaries	Pay 10/01 to 12/31	Pay Increase 2.25% (1/1/09)	Pay Increase 3% (7/1/09)	Salaries	Leave 16.5%	Total Salaries	Benefits 45.5%	Totals
District Mining Operations	195.0	\$7,974,749	\$1,993,687	\$4,077,091	\$2,099,702	\$8,170,480	\$1,348,129	\$9,518,609	\$3,717,568	\$13,236,177
Mining and Reclamation	24.0	\$1,047,881	\$261,970	\$535,729	\$275,900	\$1,073,600	\$177,144	\$1,250,744	\$488,488	\$1,739,232
Office of Chief Counsel	11.0	\$702,573	\$175,643	\$359,191	\$184,983	\$719,817	\$118,770	\$838,587	\$327,517	\$1,166,104
Abandoned Mine Reclamation	0.5	\$24,210	\$6,053	\$12,377	\$6,374	\$24,804	\$4,093	\$28,897	\$11,286	\$40,183
Oil and Gas	2.0	\$80,031	\$20,008	\$40,916	\$21,072	\$81,995	\$13,529	\$95,524	\$37,308	\$132,832
Mine Safety	2.5	\$120,317	\$30,079	\$61,512	\$31,679	\$123,270	\$20,340	\$143,609	\$56,088	\$199,697
TOTALS	235.0	\$9,949,761	\$2,487,440	\$5,086,816	\$2,619,710	\$10,193,966	\$1,682,004	\$11,875,970	\$4,638,255	\$16,514,225



**FFY 2009 OSM Grant Application
Travel
Federal Budget Category—03**

Program	Total
District Mining Operations	\$ 203,096
Mining & Reclamation	\$ 53,664
Office of Chief Counsel	\$ 15,000
Abandoned Mine Reclamation	\$ -
Oil & Gas	\$ -
Mine Safety	\$ 10,000
Total Travel Cost	\$ 281,760

Description of Projected Travel	Amount
Estimated breakdown as follows:	
Program Support-Travel	
a. 1,250 trips x average of 300 mi per trip x \$.585 per mi	\$ 219,375
b. Per Diem-Lodging (average \$75/night & subsistence \$36/day (approx 300 days)	\$ 33,300
Out-Service Training-Travel	
a. 72 Trips x average of 400 mi per trip x \$.585 per mi	\$ 16,848
b. AirFare at \$1600 x 3 trips	\$ 4,800
c. Per Diem-Lodging (average \$75/night & subsistence \$36/day (approx 67 days)	\$ 7,437
Total Travel	\$ 281,760

**FFY 2009 OSM Grant Application
Equipment
Federal Budget Category--04**

Program	Items Over \$5,000	
District Mining Operations	\$	380,000
Mining and Reclamation	\$	-
Office of Chief Counsel	\$	-
Abandoned Mine Reclamation	\$	-
Oil & Gas	\$	-
Mine Safety	\$	<u>35,000</u>
Total Equipment Cost	\$	415,000

See attached sheets for list of each Bureau's equipment list.

Equipment List

<u>Item Description</u>	<u>Location</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
-------------------------	-----------------	-----------------	-------------------	-------------------

Bureau of District Mining Operations

Equipment Needed (Items over \$5,000)

- | | | | | | |
|----|-------------------------------|---------|----|-----------|------------|
| 1. | 4-Wheel Drive Vehicles | all DMO | 20 | \$ 18,000 | \$ 360,000 |
|----|-------------------------------|---------|----|-----------|------------|

These vehicle replacements will be used by district office personnel for onsite inspections at surface and deep mine operations. They will be used to carry water samples, equipment and Surface Mine Conservation Inspectors to remote mine sites over poor quality roads. If we do not keep up with new vehicle replacements every year, employees will be driving unsafe, old, high mileage vehicles that constantly require expensive maintenance.

- | | | | | | |
|----|--------------------|-----------|---|-----------|-----------|
| 2. | Map Scanner | Moshannon | 1 | \$ 20,000 | \$ 20,000 |
|----|--------------------|-----------|---|-----------|-----------|

This will allow scanning of color maps supplied with permits and placing them into GIS.

TOTAL	\$ 380,000
--------------	-------------------

Bureau of Mine Safety

Equipment Needed (Items over \$5,000)

- | | | | | | |
|----|--------------------------|--|---|-----------|-----------|
| 1. | Computer Hardware | | 1 | \$ 30,000 | \$ 30,000 |
|----|--------------------------|--|---|-----------|-----------|

The increasing size and complexity of GIS projects have shown that the current primary storage hardware is insufficient in both size and speed. In addition, the current equipment lacks many of the features present in the latest storage hardware and, at four years old, is at the end of its lifecycle. New equipment upgrades will allow for a 10 TB, contiguous storage location to serve GIS projects and their accompanying data files to engineering workstations and other server clients. BMS plans to purchase a storage array large enough to hold all GIS server and workstation project and map data used by mining engineers during the permitting and approvals process.

- | | | | | | |
|----|--------------------------|--|---|----------|----------|
| 2. | Computer Software | | 1 | \$ 5,000 | \$ 5,000 |
|----|--------------------------|--|---|----------|----------|

BMS will be required to purchase license renewals for the GIS ESRI software purchased last fiscal year.

TOTAL	\$ 35,000
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**FFY 2009 OSM Grant Application
Supplies
Federal Budget Category--05**

Program		
District Mining Operation	\$	105,000
Mining & Reclamation	\$	80,000
Office of Chief Counsel	\$	4,000
Abandoned Mine Reclamation	\$	-
Oil & Gas	\$	-
Mine Safety	\$	<u>12,000</u>
Total Supplies Cost	\$	201,000

Items under \$5,000 are considered supplies under the Commonwealth of PA's Accounting System. Supplies include: Lab, Medical, Housekeeping, Office, Education, Maintenance, Library, Computer items and related Software and Upgrades, and Safety Apparel

**FFY 2009 OSM Grant Application
Contractual
Federal Budget Category-06**

Program	Total
District Mining Operations	
Aerial Surveillance	\$ 50,000
Subtotal DMO	<u>\$ 50,000</u>
Mining & Reclamation	
MOU with Game Commission	\$ 179,000
MOU with Fish & Boat Commission	\$ 112,500
MOU with PA Historical Museum Commission	\$ 265,000
UFM Drilling Contract	\$ 50,000
Act 54 Five Year Report	\$ 300,000
E-Facts - Coal Ash Beneficial Use Approvals	\$ 100,000
E-Facts - Explosives	\$ 25,000
Subtotal M & R	<u>\$ 1,031,500</u>
Office of Chief Counsel	
Expert and consultant contracts	\$ 5,500
Subtotal Chief Counsel	<u>\$ 5,500</u>
Mine Safety	
Scanning, digitizing and plotting equipment maintenance and service	\$ 5,500
Subtotal Mine Safety	<u>\$ 5,500</u>
Total Contract Cost	<u>\$ 1,092,500</u>

* Laboratory Services are now being listed under "Other" category since the work is being completed mainly by DEP personnel.

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Contracts Justification

1. **\$50,000 - Drilling Contract-Unsuitable for Mining (UFM) Program.** Contract will be used for characterization of overburden and groundwater systems within UFM technical study areas, including installation of piezometers and purchase and installation of pressure transducers and data loggers for recording groundwater potentials during pumping tests.
2. **\$300,000 - Act 54 Five Year Report.** These funds would be used to pay for services required by Section 18.1 of the Bituminous Mine Subsidence and Land Conservation Act. Section 18.1 requires DEP to collect information regarding the surface effects of underground coal mining on an ongoing basis; to have that information assessed by recognized "professionals or institutions;" and to present the results of that assessment in the form of a report to the Governor, General Assembly and Citizens Advisory Council at five year intervals. The \$300,000 will be used to hire an education institution or research institute to perform an analysis of the information compiled for the period 2003-2008 and to prepare the report required by Section 18.1. The report prepared under this initiative will also be presented to OSM for its use in evaluating the effectiveness of Pennsylvania's underground coal mining regulatory program.
3. **\$100,000 - eFacts: Coal Ash Beneficial Use Approvals.** Modify the eFacts system to provide an inventory of approved sources of Coal Ash Beneficial Use Approvals and to electronically receive and monitor the submission of reports from mine operators detailing the volume, weight and source of Coal Ash Beneficial Use materials placed on individual mine sites.
4. **\$25,000 - eExplosives.** Modify eFacts to allow explosive program license applications (blaster, storage, sales and purchase) to be submitted electronically to DEP for review, to create and update eFacts records, to route applications to DEP staff for review, to allow for the electronic storage of records, and to send electronic copies of licenses to applicant, if approved. This figure represents 25 percent of the total project cost and which represents the percent of coal-related explosive records.

**FFY 2009 OSM Grant Application
Other
Federal Budget Category--08**

Program		Total
District Mining Office	Contractual Laboratory Services (for 7,980 hrs x \$154/hr)	\$ 1,228,920
	Training	\$ 50,800
Subtotal DMO		<u>\$ 1,279,720</u>
Mining & Reclamation	Training	\$ 7,200
Office of Chief Counsel	Training	\$ 2,400
Abandoned Mine Reclamation	Training	\$ -
Oil & Gas	Training	\$ -
Mine Safety	Training	<u>\$ 10,000</u>
Total Other Cost		\$ 1,299,320

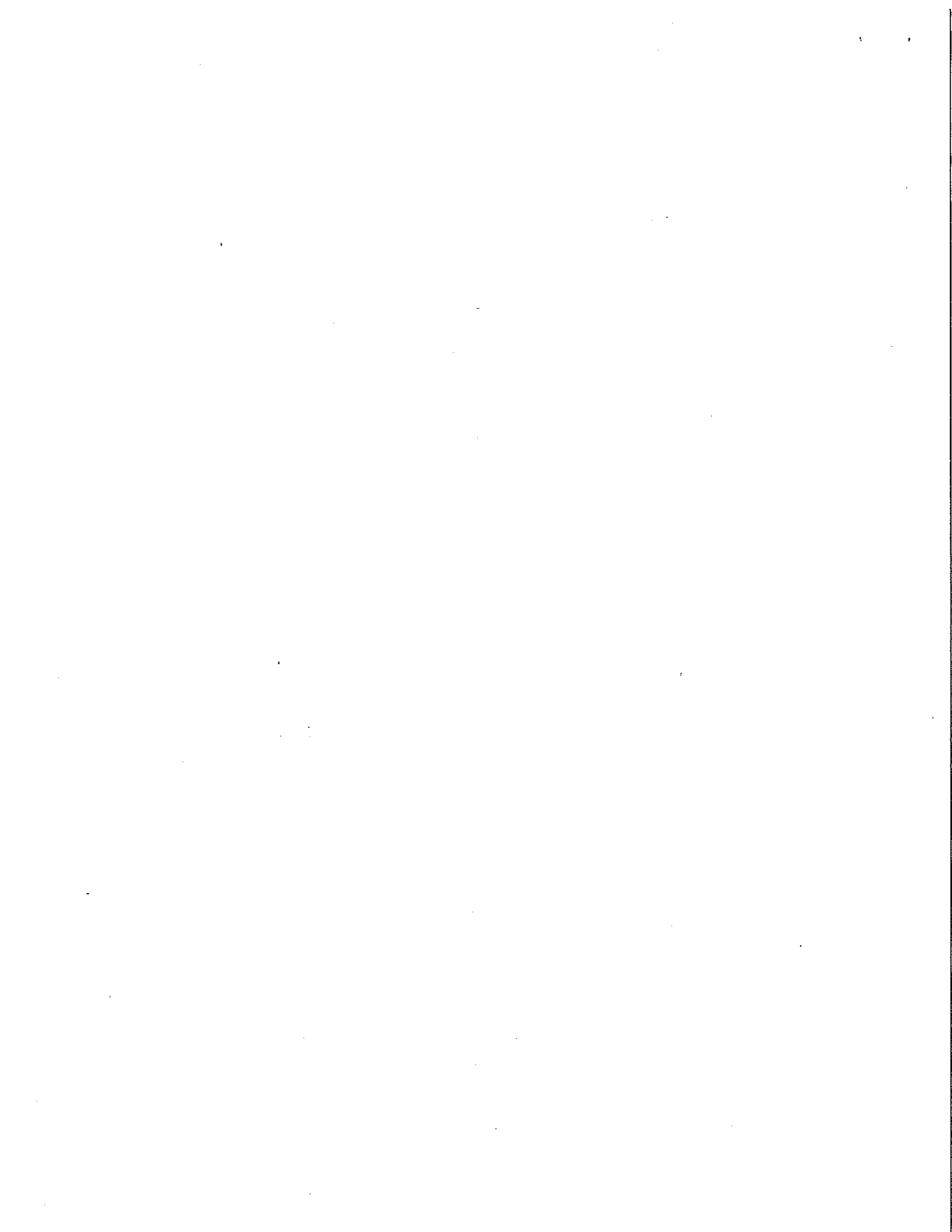
Proposed Training Courses, Conferences & Seminars

2009 Appalachian Regional Reforestation Initiative (ARRI) Mined Land Reforestation Conference
2009 Keystone Coldwater Conference
2009 Pennsylvania Statewide Conference on Abandoned Mine Reclamation
2009 PGWA Summer Field Conference
2009 TRAM/National Mine Instructors Seminar
2009 Winter Conference of the PGWA
37th Annual Conference of the National Association of State Land Reclamations 2009 Meeting
73rd Annual Field Conference of Pennsylvania Geologists
Acid Forming Materials: Fundamentals & Applications
Advanced Autocad for Permitting & Reclamation
AML Design Workshop: Dangerous Highwalls
AML Design Workshop: Landslides
AML Realty
AML Reclamation Projects
Analyzing Environmental Monitoring Data Using Statgraphics Plus
ARCGIS Spatial Analyst for Mining & Reclamation
ARCPAD 7: Mobile GIS for Reclamation Mapping & Analysis
Autocad Fundamentals for Permitting & Reclamation
Autocad Map for Permitting & Reclamation
Autocad Map with Raster Design for Underground & Surface Mine Mapping
Blasting & Inspection
Blasting Log Evaluation Program
Chapter 102/105 NPDES Annual Training Conference
Coalfield Communications: How to get it right
Effective Writing
Enforcement Tools & Applications
Erosion & Sediment Control
Evidence Preparation & Testimony
Forensic Hydrologic Investigation
Geology & Geochemistry of Acid-Forming Materials
Hydrogeology & Management of Karst Groundwater Resources
Image Analysis for ARCGIS
Interstate Mining Compact Commission 2009 Annual Meeting
Interstate Mining Compact Commission Workshop
Introduction to ARCGIS for Mining & Reclamation
Introduction to GPS with Garmin Etrex Vista C
Mine Blasting Safety & Application Seminar
NEPA Procedures
New York & Pennsylvania Bluestone Association Expo 2009
OSM Tips Courses
Passive Treatment: Theory & Application Workshop
Permitting Hydrology
Principles of Inspection
Subsidence
Testing & Analysis of Aquifer Characteristics with AQTESOLV
Trimble GEOST, TERRASYNC & PF Office; Mobile Computing for Reclamation
Underground Mine Mapping with GIS
Underground Mapping Technology
Water Quality Analysis Using AQUACHEM
Wetlands Awareness

**FFY 2009 OSM Grant Application
Indirect Costs
Federal Budget Category-07**

Calculation on Indirect Costs:*		\$ 5,565,294
Personnel	\$ 11,875,970	
Benefits	\$ 4,638,255	
	<u>\$ 16,514,226</u>	
Approved Indirect Rate	<u>33.70%</u>	
	<u>\$ 5,565,294</u>	
Travel	\$ 281,760	
Equipment	\$ 415,000	
Supplies	\$ 201,000	
Contractual Services	\$ 1,092,500	
Other	\$ 1,299,320	
Grand Total	\$ 25,369,099	

*The indirect rate is calculated on personnel and benefits only.



ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application. 2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives. 3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. 4. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. 5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F). 6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the | <ol style="list-style-type: none"> basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application. 7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. 8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds. |
|--|---|

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally-assisted construction subagreement.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) Related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance will Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) Pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) Which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

Deputy Secretary for Administration

APPLICANT ORGANIZATION

DATE SUBMITTED

Pennsylvania Department of Environmental Protection

8/21/08

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)**

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
Primary Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -
Lower Tier Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Department of Environmental Protection

P.O. Box 2063

Harrisburg, PA 17105-2063

Check if there are workplaces on files that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will notify the grant officer, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

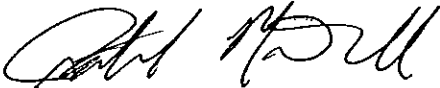
CHECK IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Patrick McDonnell, Deputy Secretary for Administration
TYPED NAME AND TITLE

8/21/08
DATE

DEPT. OF ENVIRONMENTAL
PROTECTION

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RECLAMATION