

Program Evaluation Workplan

Evaluation Year 2011

(July 1, 2010 to June 30, 2011)

New Mexico Mining and Minerals Division

COAL MINE RECLAMATION PROGRAM

The Office of Surface Mining Reclamation and Enforcement's (OSM) Albuquerque Area Office and the New Mexico Mining and Minerals Division (MMD) have developed the following State-specific evaluation plan tailored to the unique conditions of the New Mexico Regulatory Program. This evaluation plan is based on OSM Directive REG-8 and incorporates the three required national measurement elements which are off-site impacts, reclamation success and customer service. In addition, OSM and MMD have chosen to conduct inspections of active coal mining operations permitted by the State program.

While OSM is committed to working with MMD and other interested parties to seek consensus on oversight techniques and evaluations, OSM will maintain its independence and objectivity in implementing its oversight duties under SMCRA.

National Measurement Elements

Required Program Area of Review: *Off-site impacts*

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Review scope: OSM and MMD will evaluate and report on the effectiveness of State program in protecting the environment and public from off-site impacts resulting from surface mining and reclamation. MMD will identify and report the number and degree of off-site impacts to OSM. OSM and MMD will determine the cause of the impacts and identify where improvements may be made to lessen the number and degree of impacts. If evaluation of data related to off-site impacts indicates program or implementation related problems, MMD will implement changes, where possible, to minimize recurring impacts. The goal of this effort is for OSM and MMD to decrease the occurrence of off-site impacts through this process.

Methodology: OSM and MMD will evaluate State and OSM inspection reports, enforcement actions, penalty assessment data and citizen complaints, special oversight studies and information from other environmental agencies. OSM will explain how the

number of off-site impacts was identified in the Off-Site Impact and Annual Evaluation Reports.

If any off-site impacts occur, an off-site impact report will be prepared by OSM, which will include detailed information on data collection, verification, and analysis; discuss any conclusion on the effectiveness of the State program in preventing off-site impacts; and discuss measures taken to address any identified program or implementation deficiencies.

Projected completion date: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Required Program Area of Review: *Reclamation Success*

Subelement: Acres of reclamation meeting bond release standards.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Review scope: OSM and MMD will collect data and measure program performance in the areas of; a. Land form/approximate original contour, b. Land capability, c. Hydrologic reclamation, and d. Contemporaneous reclamation. In addition, impacts from mine subsidence will be evaluated.

Methodology: OSM and MMD will collect data on the reclamation status of areas disturbed by each mining operation under the jurisdiction of MMD during EY-2011 and cumulatively for all years. The data will include the acreage of; areas disturbed (during EY-2011 and cumulatively for all years), long-term mining or reclamation facilities, active mining areas, areas where phase I bond release has been granted, and areas where phase III bond release has been granted. This data is targeted to provide data for Tables in REG-8 and will be used to fulfill the reporting obligations under the Government Performance Review Act (GPRA).

OSM and MMD will verify data by conducting bond release inspections and studying company annual reports.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Required Program Area of Review: *Customer Service*

Subelement: Citizen Complaints/Citizen Outreach.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Review scope: OSM and MMD will evaluate MMD's responses to complaints and requests for assistance and services.

Methodology: During EY-2011, OSM and MMD will evaluate the timeliness, accuracy, completeness and appropriateness of actions taken by MMD in response to Citizen Complaints. OSM will also discuss any other Citizen Outreach efforts undertaken by MMD in the annual reports. These could include such things as permitting actions, bond releases, lands unsuitable petitions, administrative and judicial reviews and AVS determinations.

Projected completion dates: Data collection and analysis to be completed by May 31, 2011, with results available by June 30, 2011.

Selected Review Element

Selected Program Area of Review: *Reclamation Success*

Subelement: Ash Disposal at the San Juan Mine.

Population size: One ash disposal operation.

Sample size: One ash disposal operation.

Review scope: Compliance with regulatory requirements to dispose of ash from the San Juan Generating Station on lands affected by surface coal mining at the San Juan Mine.

Methodology: Conduct a joint (OSM/MMD) review of the requirements for ash disposal and monitoring of ash disposal sites found in the permit, as well as conducting joint inspections to determine on-the-ground compliance with those requirements. The review will focus on evaluation of the groundwater monitoring program at the mine, monitoring of the ongoing ash disposal studies by the USGS and University of New Mexico and the examination of site-specific data collected from those sites, as well as any reports that are required to be submitted to MMD.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Selected Review Element

Selected Program Area of Review: *Reclamation Success*

Subelement 1: Contemporaneous Reclamation.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: All surface coal mining operations over which MMD has jurisdiction.

Review scope: Compliance with regulatory requirements for contemporaneous reclamation and bond release over the past preceding 10 years.

Methodology: Conduct a joint (OSM/MMD) review of the status for reclamation efforts at all the mines in the State over the past preceding 10 years. The review will focus on the acres of reclaimed land in relationship to the acres of disturbed land, as well as the numbers of acres that have had bond release. Specifically, the data will include the acreage of; areas disturbed (during EY-2011 and cumulatively for all years), long-term mining or reclamation facilities, active mining areas, areas backfilled and graded, areas where phase I bond release has been granted (during EY-2011 and cumulatively for all years), areas resoiled and planted (during EY-2011 and cumulatively for all years), areas planted for 10 years after the last year of augmented seeding (during EY-2011 and cumulatively for all years), and areas where phase III bond release has been granted (during EY-2011 and cumulatively for all years). OSM will analyze all available data on reclamation status to determine statewide trends.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Subelement 2: Contemporaneous Reclamation.

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: Two active surface coal mine.

Review scope: Compliance with regulatory requirements for contemporaneous reclamation.

Methodology: Conduct a review of two approved permit application to determine if the application contains the information required under contemporaneous reclamation requirements of the approved New Mexico program. Subsequent to the permit evaluation a special focus inspection will be conducted to determine if the mining operation is in compliance with the approved permit application.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Selected Review Element

Selected Program Area of Review: *Reclamation Success*

Subelement: Blaster Certification Program

Population size: All records related to the blaster certification program for the last three years.

Sample size: All certified blasters working on a surface coal mine operations over which MMD has jurisdiction.

Review scope: Compliance with the state Blaster Certification Program.

Methodology: OSM will conduct an independent administrative review of the approved state Blaster Certification Program. The MMD will designate a representative or representatives to serve on the review team. The study will include the following:

- Characterization of the general population of certified blasters
- Completeness of applications for certification,
- Evaluation of training class venues for all required training topics,
- Review of the blaster exam for coverage of all the required testing topics,
- Review of continuing education requirements for certificate maintenance, and
- Review of certification, suspension and revocation procedures.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.

Federal Oversight Inspections

Program Area of Review: *Inspections*

Population size: All surface coal mining operations over which MMD has jurisdiction.

Sample size: A minimum of twenty five percent of inspectable units.

Review scope: OSM and MMD will evaluate the State's enforcement of its approved program.

Methodology: To ensure compliance with the approved State program, OSM will conduct a minimum number of inspections equal to twenty five percent of the total number of inspectable units. One third of those inspections will be complete oversight inspections. At the beginning of EY 2011, New Mexico has a total of 9 inspectable units. During EY 2011, OSM will conduct a minimum of one complete oversight inspection and a minimum of three partial oversight inspections. At least one of the oversight inspections will be an independent OSM inspection. Independent inspections may consist of partial or complete inspections. OSM will pick the joint inspection locations and dates and notify the state 1-2 weeks in advance. For independent OSM inspections, OSM will pick the inspection location and dates and notify the state 1-2 days in advance.

The purpose of the inspections and field site evaluations, as specified in OSM Directive REG-8, will be to evaluate the State's effectiveness in implementing its Inspection and Enforcement program, reclamation success and identify any off-site impacts. Evaluation of the State's effectiveness will be accomplished during OSM's oversight inspections and other mine site visits, as well as reviewing inspection reports and enforcement actions. Reclamation success will be evaluated based on field and permit review of AOC, land capability, hydrologic reclamation, and contemporaneous reclamation.

Projected completion dates: Data collection and analysis to be completed by June 30, 2011, with results available by July 31, 2011.