

P. Pocavich



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF MINERAL RESOURCES MANAGEMENT

September 2, 2010

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 2011 Administrative and Enforcement Grant application. The application requests federal funding of \$11,883,349.50 for the period of October 1, 2010 through September 30, 2011.

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 Paul Pocavich at 717-783-9581.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Roberts".

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

cc: George Rieger

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

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Washington, DC 20240

Performance Report

Program Narrative Statement

1. Type of Program (Check Appropriate Box)

Abandoned Mine Land Program

State and Federal Program

2. Grant Recipient	Type of Report	Reporting Period	Control Number(s)
PA Dept. of Environmental Protection	Administrative and Enforcement Grant Application	10/01/2010 – 09/30/2011	N/A

3. Project Title/Program

FY 2011 Title V Administrative and Enforcement Grant

4. Performing Organization

Pennsylvania Department of Environmental Protection

5. Program Narrative

Objectives and Need for Assistance:

This grant will 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). This program is primarily implemented by the Department of Environmental Protection's (DEP) Office of Mineral Resources Management, with assistance from other DEP bureaus and Commonwealth agencies. DEP intends to implement the program in accordance with the State Program approved by OSM, consisting of DEP's regulations, technical guidance and authorizing statutes. Pennsylvania achieved primacy under SMCRA in 1982 and has implemented the program since then. This grant is made to DEP annually under the provisions of Title V (50% Federal / 50% State match) to support the program in Pennsylvania. This grant application is for the period from October 1, 2010 to September 30, 2011.

Total projected costs, including both the State and Federal shares, are provided on a Budget Information Report (OSM-47). There is no mining activity on Federal lands in Pennsylvania.

It is anticipated that a total of \$23,766,699.00 will be required for Pennsylvania's FFY2011 Title V program with 50% of that amount to be provided in the form of State funds to match the Title V Administrative and Enforcement Grant.

Personnel: It is anticipated that a total of 212.25 Full Time Equivalents (FTE's) will be charged to the grant, including no vacancies. The FTE's by functional area include:

District Mining Operations	175.00
Mining and Reclamation	22.50
Office of Chief Counsel	9.00
Abandoned Mine Reclamation	0.25
Oil and Gas	2.00
Mine Safety	3.50

Fringe Benefits: The average benefit rate established by the Commonwealth will be 41.23%.

Travel: Travel costs, expected to total \$83,000, are listed below by functional area:

District Mining Operations	\$50,000
Mining and Reclamation	\$15,000
Office of Chief Counsel	\$8,000
Mine Safety	\$10,000

Type and Number of Trips:

Program Support Travel	
347 trips x average of 300 mi. per trip x \$.50 per mile	\$52,050
Per diem and lodging (average \$75/night and subsistence \$41/day) for 122 days	\$14,152

Out-Service Training Travel	
50 Trips x average of 400 mi. per trip x \$.50 per mile	\$10,000
Air Fare at \$1659 x 2 trips	\$3,318
Per diem and lodging (average \$75/night and subsistence \$41/day) for approx. 30 days	\$3,480

Equipment: Equipment costs, expected to total \$310,042, are listed below by functional area:

District Mining Operations	
9 Vehicles @ \$24,000/vehicle	\$216,000
Other Equipment (field, computer)	\$51,542
Mine Safety	
Computer Equipment / Software Licenses	\$42,500

Supplies: Supplies purchased are expected to total \$75,000. Supplies include field supplies, commercial laboratory analysis (e.g., overburden analysis), computers, cameras, GPS units, conductivity meters, safety supplies, telephones, paper, file folders, pens/pencils, toner for printers, ink cartridges, glass plates for map scanning, file storage boxes, and related supplies.

Contractual: Contractual costs, expected to total \$1,435,819, are listed below by functional area:

Mining and Reclamation	
MOU with PA Game Commission	\$179,500
MOU with PA Fish and Boat Commission	\$112,607
MOU with PA Historical & Museum Commission	\$273,912
eFacts Development	\$250,000
Mine Mapping Contract	\$600,000
Office of Chief Counsel	
Expert and Consultant Contracts	\$4,000
Discovery Computer Software Annual Contract	\$8,300

Mine Safety

Scanning, digitizing and plotting equipment
Maintenance and service \$7,500

Other: Other costs, expected to total \$1,384,480, are listed below by functional area:

District Mining Operations

Contractual laboratory Services
(8,000 hours @ \$167.06/hr.) \$1,336,480
Training \$25,000

Mining and Reclamation

Training \$10,000

Office of Chief Counsel

Training \$3,000

Mine Safety

Training \$10,000

Indirect Charges: Indirect charges are calculated by the Commonwealth at 28% of Personnel.

Functional Area Costs: Functional area costs are distributed by Object Class and Functional Area on the attached Form OSM-47, according to the following percentages:

Permitting	19.0%
Inspection and Enforcement	35.75%
Lands Unsuitable	2.00%
Administration/Support	43.0%
SOAP	0.25%

New Initiatives/Needs: No new initiatives or needs are anticipated at this time.

Constraints: It is difficult to predict funding or staffing constraints that may affect Pennsylvania's ability to accomplish program objectives.

Ability to Meet Matching Requirements: At this time we expect to be able to match Federal grant funds.

Matching Funds: State funds will be used to match Federal grant funds.

Results and Benefits Expected: It is expected that the Commonwealth will be able to utilize the grant and matching funds to fully implement the OSM approved program and maintain a compliance rate of at least 95%. Quantitative Program Management Information is detailed on the attached Form OSM-51A.

Approach: The Title V regulatory program and this grant will be implemented by the DEP primarily through the Bureaus of Mining and Reclamation and District Mining Operations. Additional support is provided by the following DEP Offices, Bureaus and Commonwealth agencies: Bureau of Abandoned Mine Reclamation, Bureau of Mine Safety, Bureau of Oil and Gas Management, Bureau of Laboratories, Office of Chief Counsel, Pennsylvania Historical and Museum Commission, Pennsylvania Fish and Boat Commission, and the Pennsylvania Game Commission.

All administrative activities associated with this grant will be performed in accordance with approved Commonwealth and DEP policies and procedures and applicable federal guidelines, regulations and circulars. 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 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 funds. Treatment options on primacy bond forfeiture sites with post-mining pollutional 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.

BDMO is also 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 infrastructures. BDMO continues to move forward to ensure that mining operations with post-mining pollutional 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 as enhancements to the eFacts system, however it is not know which of those initiatives will be scheduled for development in FFY2011.

The ongoing mine mapping project is expected to continue in FFY2011. This project will contract for scanning and georeferencing of historical mine maps that reside only on paper in the Bureau of District Mining Operations and in Office of Surface Mining field offices. The data will be used to improve the coverage area of digital mine maps in Pennsylvania to facilitate the review of applications for new mining permits and improve safety in working mines in previously mined areas. Matching funds will also be provided from the Mine Subsidence Insurance program so that these digital maps may also be used to determine the need for insurance.

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. The percentage allotted to BAMR in the grant represents a small amount of work related to primary bond forfeiture sites.

Bureau of Oil and Gas Management (BOGM)

DEP's Oil and Gas Management program has regulations which specify, among other things, the notification, objection and conference procedures for dispute resolution between coal mine and oil and gas well operators, casing, cementing, reporting, plugging and venting standards and requirements for wells in coal and other areas.

The program serves as a repository for information on the location and status of oil and gas wells. This information is available to the mining industry to assist in locating oil and gas wells in areas proposed for mining. This information is required in mining permit applications.

All well drilling permit applications are reviewed to determine if the well will penetrate a workable coal seam or an active or projected coal mine. If so, the coal owner must be notified before the well is drilled. If he disapproves of the proposed location, he may negotiate a different location with the well operator. If an agreement cannot be reached between the coal owner and the well operator, a conference may be requested (Act 223, Section 501). After weighing the testimony, the Program will issue the permit or an order as to the location of the well, (Act 223, Section 202; Act 214, Section 12).

Before qualifying for a mining permit where existing or proposed oil or gas wells penetrate the coal seam(s), the mine operator must obtain a pillar permit from the Program to leave a barrier around each well. For producing wells, the coal owner may negotiate with the well operator to plug and abandon the well to allow mining to proceed through the plugged well. For non-producing wells, the coal owner may apply to the Program to order the well to be plugged (Act 223, Section 214). Deep mine operations are required by the Oil and Gas Act to obtain pillar permits to leave coal around existing wells, in accordance with Subsection F of Chapter 89 regarding subsidence. Surface mine operators are also required to leave a barrier around a well. The Oil and Gas Management Program's technical staff and field inspectors work with coal owners, mine inspectors, and well operators in the permitting of mines, coal pillars and other activities in and around the wells and coal resources.

To assist in the review of deep mine subsidence permit applications, the Oil and Gas Management Program forwards a copy of approved pillar permits to the Mine Subsidence Regulations Section in McMurray. The pillar permit is an integral part of the mine subsidence approval.

Prior to plugging a well through a workable coal seam, the operator must notify the coal owner or well operator (as applicable) and the Program of the proposed plugging (Act 214, Section 13 and Act 223, Section 210). Alternate methods of plugging or venting such wells may be necessary and must be approved by the Program. Proof of proper plugging is required before DEP will authorize a surface or underground mine operator to mine through a well. If no plugging approval is issued, the mine operator must have a pillar permit and leave the required barrier around the well.

Bureau of Laboratories (BOL)

BOL provides 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 currently \$167.06 per hour.

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 expends 3.5 work years of effort for a 12-month period.

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 completes an underground mine safety evaluation and analysis for all underground mine permits for all requests from the District Mining Offices. These reviews include input from field staff, such as BMS mine inspectors and their supervisors, as well as mine engineers and mine safety management personnel.

BMS continues to use the GIS ESRI software to perform advanced spatial analysis that enables various levels of an organization to visually represent relevant data. BMS uses this software to show the relationship of historic underground mining operations in relation to current mining operations. ESRI products are used during the safety evaluation to ensure that appropriate safety barriers are provided between mining operations.

BMS provides professional development opportunities for engineering, inspection, and management personnel. These include attendance at OSM-sponsored and other mining organizations' workshops and seminars such as TIPS courses Intrastate Mining Compact Commission; Society of Mining, Metallurgy and Exploration; National Institute of Occupational Safety and Health; and MSHA-sponsored Ground Control Seminars.

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. The GIS Historic Preservation Specialist supervises data entry and retrieval, applications and data coordination and determines 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 records project area and resource information and relays the documentation to the reviewers at BHP.

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. Two years ago, 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 has continued (and will continue) to actively seek additional partners to bring this initiative to fruition.

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.

Pennsylvania Game Commission (PGC)

PGC is not funded by general tax revenues and requests reimbursement of all money spent doing reviews 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.

OSM-51(12/80)

Paperwork Reduction Act Statement

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is being collected in order to better you in the future and as part of OSM's performance of its responsibilities under the Government Performance and Results Act. The obligation to respond is required to obtain a benefit.

Public reporting burden for this form is estimated to average 5 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 S1B, 1951 Constitution Ave., NW, Washington, D.C. 20240; and the Interior Desk Officer, OMB control number 1029-0059, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

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

OMB Approval No. 1029-0074

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

3. Period Covered by This Report
 From October 1, 2010 to September 30, 2011

1. Name of Grantee Pennsylvania Department of Environmental Protection

2. Grant Number

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)	
A. Permitting Activity:				
1. Applications received..... New Only - All Coal Permit Types.....	75			
2. Permits issued..... New Only - All Coal Permit Types.....	70			
3. Amendments received..... Increments Received.....	90			
4. Permit Amendments Issued..... Increments Issued.....	85			
5. Regulated facilities:				
(a) Active mines (current mining activity)..... Surface, Reprocessing & Deep (OSM Active).....	950			
(b) Mines under reclamation only..... Surface, Reprocessing & Deep (OSM Inactive).....	600			
(c) Tipples.....	-			
(d) Processing facilities.....	60			
(e) Other..... Coal Refuse Disposal.....	55			
6. Acreage disturbed (if available)..... New Bonded Acreage.....	2,500			
7. Acreage reclaimed (if available)..... Stage II Bond Release.....	4,200			
B. Inspection Actions:				
1. Complete Inspections:.....	5,500			
2. Partial Inspections:.....	10,000			
C. Complaints:				
1. Received.....	500			
2. Resolved.....	495			

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

OMB Approval No. 1029-0075

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

3. Period Covered by This Report
 From October 1, 2010 to September 30, 2011

1. Name of Grantee Pennsylvania Department of Environmental Protection 2. Grant Number _____

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 Actions:				
1. Notice of Violations issued NOV's & CO's.....	650			
2. Cessation orders issued.....	60			
3. Enforcement actions undergoing:				
(a) Administration Adjudication Civil Penalty Conferences Held.....	2			
(b) Court Adjudication:				
(1) Civil cases.....	5			
(2) Criminal cases.....	1			
4. Number of injunctions..... Not Available.....	-			
5. Number of bonds forfeited.....	10			
6. Number of bonded areas released..... Stage III Completion.....	120			
E. Lands Unsuitable Activity:				
1. Petitions received:				
(a) Number of petitions.....	2			
(b) Acreage involved.....	12,000			
2. Number of Acres designated unsuitable for Surface Mining.....				
F. Administrative Activity:				
1. Authorized State positions.....	212.25 WYE's			
2. State position vacancies.....				


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 E. Budget Period (Month, Day, Year) F. Mark X in Appropriate Box
 B. Grantee Department of Environmental Protection Beginning Date 10/01/10 X New Budget
 C. Grant Program Administrative and Enforcement Grant Ending Date 09/30/11 Revised Budget
 D. Rate of Federal Sharing (%) 50%

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	\$ 9,009,408	\$ 1,209,674	\$ 785,434	\$ 9,884	\$ 96,158	\$ 217,572	\$ 11,328,130
2. Fringe Benefits	\$ 3,714,579	\$ 498,748	\$ 323,834	\$ 4,075	\$ 39,646	\$ 89,705	\$ 4,670,587
3. Travel	\$ 50,000	\$ 15,000	\$ 8,000	\$ -	\$ -	\$ 10,000	\$ 83,000
4. Equipment	\$ 267,542	\$ -	\$ -	\$ -	\$ -	\$ 42,500	\$ 310,042
5. Supplies	\$ 20,000	\$ 38,000	\$ 2,000	\$ -	\$ -	\$ 15,000	\$ 75,000
6. Contractual	\$ -	\$ 1,416,019	\$ 12,300	\$ -	\$ -	\$ 7,500	\$ 1,435,819
7. Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8. Other	\$ 1,361,480	\$ 10,000	\$ 3,000	\$ -	\$ -	\$ 10,000	\$ 1,384,480
9. Total Direct Charges	\$ 14,423,009	\$ 3,187,441	\$ 1,134,568	\$ 13,959	\$ 135,804	\$ 392,277	\$ 19,287,058
10. Indirect Charges	\$ 3,562,716	\$ 478,358	\$ 310,595	\$ 3,909	\$ 38,025	\$ 86,038	\$ 4,479,641
11. Total	\$ 17,985,725	\$ 3,665,799	\$ 1,445,163	\$ 17,868	\$ 173,829	\$ 478,315	\$ 23,766,699
Section B by Quarter							
12. First Quarter							
13. Second Quarter							
14. Third Quarter							
15. Fourth Quarter							
16. Total							
Section D by Course							
17. Non-Federal Share							11,883,349.50
Section D for Income							11,883,349.50
19. Program Income							

Section E Indirect Cost Type of Rate (Mark X in one box) Rate: 28%
 Predetermined Total Amount \$ _____
 Provisional Base \$ _____
 Final \$ _____
 Fixed \$ _____

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

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: 10/01/2010 *b. End Date: 09/30/2011

18. Estimated Funding (\$):

*a. Federal	<u>11,883,349.50</u>
*b. Applicant	<u>11,883,349.50</u>
*c. State	_____
*d. Local	_____
*e. Other	_____
*f. Program Income	_____
*g. TOTAL	<u>23,766,699.00</u>

*19. Is Application Subject to Review By State Under Executive Order 12372 Process?
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)
 Yes 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)
 ** 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: 8/30/10

FFY 2011 OSM Grant Application
Personnel
Federal Budget Category--01 and 02

Program	Work Year Effort (WYE)	Pay		Pay Increase 2.25% (1/1/11 - 5/30/11) Approx. 66.6% will receive)	Pay 1/01 to 6/30	Subtotal	Anticipated Pay Increase 3.0% (7/1/11)	Pay 7/01 to 9/30	Total	Annual, Sick, Holiday Distribution Based on 15% of Salary	Total	Benefits on Salary 41.23%	Annual, Sick, Holiday Distribution Based on 15% of Benefits	Total
		10/01 to 12/31	Salaries											
District Mining Operations	175.00	\$1,922,329	\$7,699,316	\$57,612	\$3,902,270	\$5,824,599	\$56,534	\$2,009,669	\$7,834,268	\$1,175,140	\$9,009,408	\$3,230,069	\$484,510	\$3,714,579
Mining and Reclamation	22.50	\$258,107	\$1,032,426	\$7,735	\$523,949	\$782,056	\$7,859	\$269,634	\$1,051,890	\$167,784	\$1,209,674	\$439,694	\$65,054	\$498,748
Office of Chief Counsel	9.00	\$167,587	\$670,347	\$5,023	\$340,197	\$507,784	\$5,103	\$175,202	\$652,986	\$102,448	\$785,434	\$281,595	\$42,239	\$323,634
Abandoned Mine Reclamation	0.25	\$2,109	\$9,436	\$63	\$4,261	\$6,390	\$64	\$2,205	\$8,596	\$1,289	\$9,884	\$3,544	\$531	\$4,075
Oil and Gas	2.00	\$20,517	\$82,069	\$615	\$41,649	\$62,166	\$625	\$24,450	\$63,616	\$12,542	\$96,158	\$34,475	\$5,171	\$99,646
Mine Safety	3.50	\$46,423	\$185,680	\$1,391	\$94,237	\$140,660	\$1,414	\$48,533	\$189,193	\$28,379	\$217,572	\$78,004	\$11,701	\$99,705
TOTALS	212.25	\$2,417,072	\$9,688,284	\$72,439	\$4,906,583	\$7,323,655	\$73,599	\$2,526,893	\$9,850,548	\$1,477,582	\$11,328,130	\$4,061,381	\$609,206	\$4,670,587
														\$15,998,717

**FFY 2011 OSM Grant Application
Travel
Federal Budget Category--03**

Program	Total
District Mining Operations	\$ 50,000
Mining & Reclamation	\$ 15,000
Office of Chief Counsel	\$ 8,000
Abandoned Mine Reclamation	\$ -
Oil & Gas	\$ -
Mine Safety	\$ 10,000
Total Travel Cost	\$ 83,000

Description of Projected Travel	Amount
Estimated breakdown as follows:	
Program Support-Travel	
a. 347 trips x average of 300 mi per trip x \$.50 per mi	\$ 52,050
b. Per Diem-Lodging (average \$75/night & subsistence \$41/day (approx 122 days)	\$ 14,152
Out-Service Training-Travel	
a. 50 Trips x average of 400 mi per trip x \$.50per mi	\$ 10,000
b. AirFare at \$1659 x 2 trips	\$ 3,318
c. Per Diem-Lodging (average \$75/night & subsistence \$41/day (approx 30 days)	\$ 3,480
Total Travel	\$ 83,000

**FFY 2011 OSM Grant Application
Equipment
Federal Budget Category--04**

Program		Items Over \$5,000
District Mining Operations	\$	267,542
Mining and Reclamation	\$	-
Office of Chief Counsel	\$	-
Abandoned Mine Reclamation	\$	-
Oil & Gas	\$	-
Mine Safety	\$	<u>42,500</u>
Total Equipment Cost	\$	310,042

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>
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Bureau of District Mining Operations
Equipment Needed (Items over \$5,000)

1. 4-Wheel Drive Vehicles	all DMO	9	\$ 24,000	\$ 216,000
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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. HP DesignJet Z6100 Plotter	California	1	\$ 20,262	\$ 20,262
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The HP Designjet Z6100 Plotter is required to reproduce copies of the maps stored at the California District Mining Office. The current plotter, while still functional, has reached the end of its support contract and renewal, if possible, would not be feasible. In addition, the Z6100 model has enhanced capabilities not available with the current plotter which utilizes older technologies. The enhanced capabilities, speed, and reliability of the new model will increase the level of service provided by this office to both the private and public sectors.

3. Dell precision T7500 Workstation	California	2	\$ 10,288	\$ 20,576
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The new 64-bit Dell workstations will allow the use of the latest computer operating system and digitizing software. With this new hardware, the process of scanning, cleaning, archiving, and retrieving copies of digitized mine maps will benefit from increased speed, quality, reliability, and overall efficiency. In short, the new workstations will improve the ability of the California District Mining staff to utilize the many resources at their disposal.

4. YSI 600 Optical Monitoring System	Moshannon	1	\$ 10,704	\$ 10,704
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The Moshannon District Mining Office staff requires down hole water quality sensors/data loggers to expand their capabilities in conducting investigations into private water supply complaints. Priority issues are sensors for turbidity and conductivity. A turbidity sensor is needed to investigate the many complaints of blasting impacts to turbidity and sedimentation in wells. A conductivity sensor will enable the DMO to easily create conductivity profiles of a drilled well's water column as well as provide a means for conducting tracer studies. Such sensors must be of small diameter to fit within a six inch drilled well bore where the homeowner's pump and riser pipe are still in place. A reach of at least 300' is desirable with a saturated depth rating of at least 200' in order to accommodate most private drilled wells that we encounter.

DMO TOTAL \$ 267,542

Bureau of Mine Safety
Equipment Needed (Items over \$5,000)

1.	Scanner	Pottsville	1	\$	23,000	\$	23,000
2.	Workstations	Pottsville Uniontown	2	\$	7,250	\$	14,500

Scanner/Workstations - BMS needs to purchase a new scanner for the Pottsville office and a workstation for Uniontown and Pottsville. Scanner was replaced in Uniontown last year. The current scanner, despite regular maintenance, has become unreliable. The new scanner and workstation will be used together to convert raw image scans of mine maps into digital format. The scanner and workstations utilize 64-bit technology and will increase efficiency and productivity at both locations.

3.	Computer Software		1	\$	5,000	\$	5,000
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BMS is required to purchase annual license renewal for the GIS ESRI software purchased in 2008.

BMS TOTAL \$ 42,500

TOTAL EQ. \$ 310,042

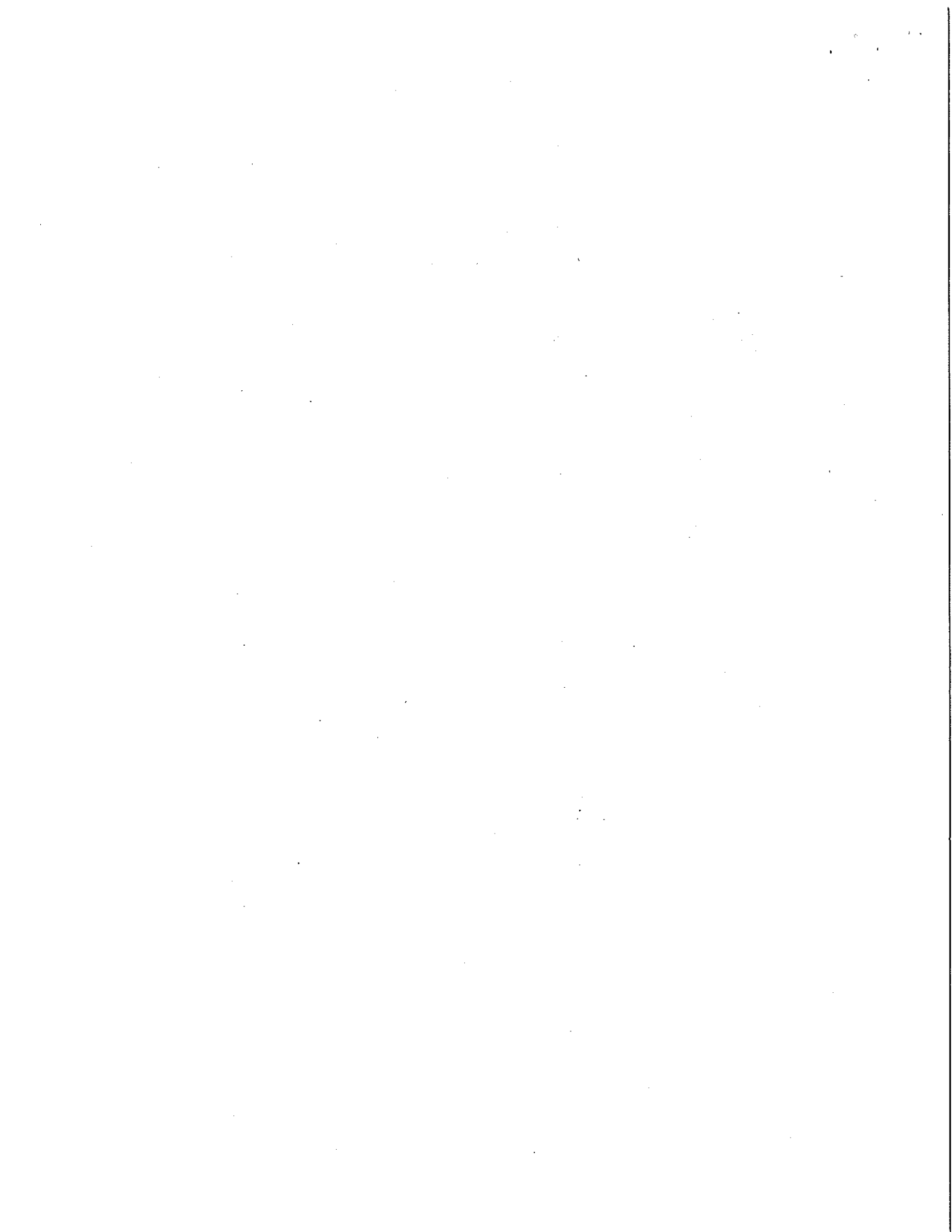
**FFY 2011 OSM Grant Application
Supplies
Federal Budget Category--05**

Program		
District Mining Operation	\$	20,000
Mining & Reclamation	\$	38,000
Office of Chief Counsel	\$	2,000
Abandoned Mine Reclamation	\$	-
Oil & Gas	\$	-
Mine Safety	\$	<u>15,000</u>
Total Supplies Cost	\$	75,000

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

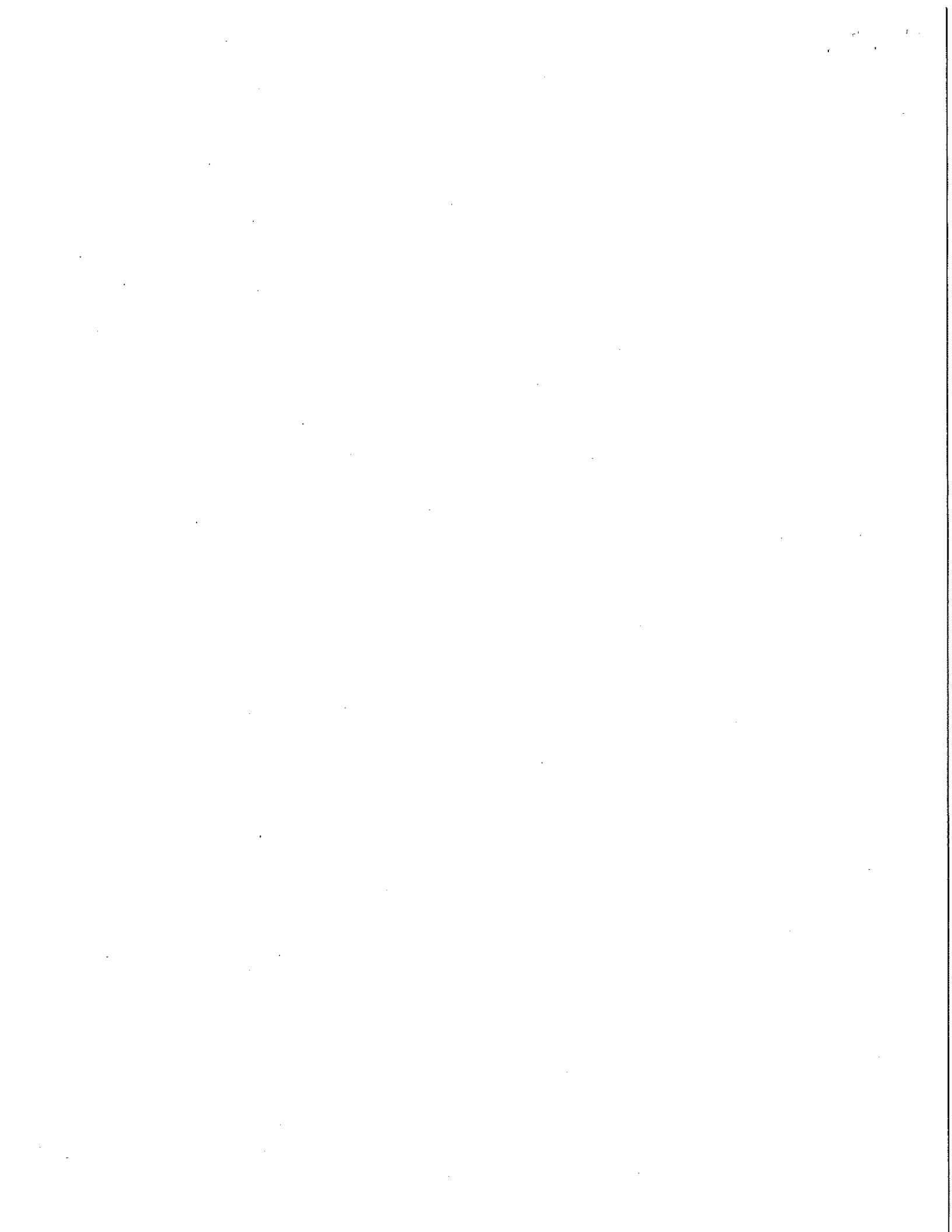
FFY 2011 OSM Grant Application
 Contractual
 Federal Budget Category--06

Program	Total
Mining & Reclamation	
MOU with Game Commission	\$ 179,500
MOU with Fish & Boat Commission	\$ 112,607
MOU with PA Historical Museum Commission	\$ 273,912
E-Facts Development	\$ 250,000
Mine Mapping Contract	\$ 600,000
Subtotal M & R	<u>\$ 1,416,019</u>
Office of Chief Counsel	
Electronic Discovery Management Software Maintenance	\$ 8,300
Expert and consultant contracts	\$ 4,000
Subtotal Chief Counsel	<u>\$ 12,300</u>
Mine Safety	
Scanning, digitizing and plotting equipment maintenance and service	\$ 7,500
Subtotal Mine Safety	<u>\$ 7,500</u>
 Total Contract Cost	 \$ 1,435,819



Contracts Justification

1. **eFacts Development.** This eFacts development work involves projects that are yet to be completed due to the backlog of projects in the Bureau of Information Technology: ePermitting Applications for Underground Mines, Coal Ash Beneficial Use Approvals, Inventory and Tracking, and Explosives Permits and Licenses Applications.
2. **Mine Mapping Contract.** This project will contract for scanning and georeferencing of historical mine maps that currently reside only on paper in the Bureau of District Mining Operations and in Office of Surface Mining field offices. Georeferencing will also be done on maps already in digital format but not yet georeferenced. This data will be used to improve the coverage area of digital mine maps in Pennsylvania to facilitate the review of applications for new mining permits and improve safety in working mines in previously mined areas. Matching funds will also be provided from the Mine Subsidence Insurance Program so that these digital maps may also be used to determine the need for insurance.
3. **Electronic Discovery Management Software Support.** This is to support half the cost of the annual software maintenance contract for the OCC's electronic discovery management platform for 2011. This litigation tool is used to manage documents produced in discovery requests in larger cases. It is available for use by OCC attorneys handling litigation matters, including those involving the surface coal program.



**FFY 2011 OSM Grant Application
Other
Federal Budget Category--08**

Program		Total
District Mining Office	Contractual Laboratory Services (for 8,000 hrs x \$167.06/hr)	\$ 1,336,480
	Training	\$ 25,000
Subtotal DMO		<u>\$ 1,361,480</u>
Mining & Reclamation	Training	\$ 10,000
Office of Chief Counsel	Training	\$ 3,000
Mine Safety	Training	<u>\$ 10,000</u>
Total Other Cost		\$ 1,384,480

FFY 2011 Proposed Training Courses, Conferences & Seminars

75th Annual Field Conference of Pennsylvania Geologists
Appalachian Regional Reforestation Initiative / ARRI
PA Abandoned Mine Reclamation Conference
OSM courses- No Charge
Acid Forming Materials: Fundamentals & Applications
AML Design Workshop: Landslides
Applied Engineering Principles
Blasting & Inspection
Bonding Workshop: Cost Estimation
Effective Writing
Erosion & Sediment Control
Expert Witness
Forensic Hydrologic Investigation
Geology & Geochemistry of Acid-Forming Materials
Historical and Archeological Resources
Historical and Archeological Resources: Update and Refresher
Passive Treatment: Theory & Application Workshop
Permit Findings Workshop
Permitting Hydrology
Principles of Inspection
Quantitative Hydrogeology
SMCRA and the ESA: Implementation of the 1996 biological opinion
Soils & Revegetation
Subsidence
Surface and Groundwater Hydrology
Underground Mining Technology
Wetlands Awareness
AVS: Basic Applicant/Violator System Usage
Analyzing Environmental Monitoring Data Using StatGraphics PLUS
ARCGIS Spatial Analyst: for Mining and Reclamation
CAD101: AutoCAD for Permitting and Reclamation
CAD400: Bridging the CAD and GIS Gap in the SMCRA Workflow
E-Tools for Permitting and Reclamation
HEC-RAS
Image Analysis for ArcGIS
Introduction to ArcGIS for Mining and Reclamation
Modeling and Analysis with Groundwater Vistas
ProXRT Workshop: High Accuracy GPS for GIS

**FFY 2011 OSM Grant Application
Indirect Costs
Federal Budget Category--07**

Calculation on Indirect Costs:* \$ 4,479,641

Personnel	\$	11,328,130
Benefits	\$	4,670,587
	\$	15,998,717

Approved Indirect Rate		28.00%
	\$	4,479,641

Travel	\$	83,000
Equipment	\$	310,042
Supplies	\$	75,000
Contractual Services	\$	1,435,819
Other	\$	1,384,480

Grand Total	\$	23,766,699
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*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:

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| <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. |
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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

9/1/10

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
PO 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 report the conviction, 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.

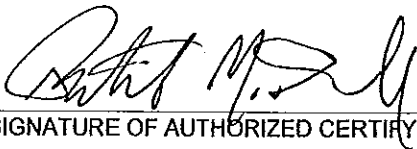
CHECK IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

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

DATE

9/1/10