

Abandoned Mine Land and Acid Mine Drainage Grant Program **GUIDANCE**

(Application Round 1 – October 24, 2022 through 11:59 PM January 13, 2023)

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

Eligible Applicants

Eligible applicants must be one of the following types of organizations or obtain a sponsor that is one of the following types of organizations to be eligible for a grant:

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

Applicant must have met all contract obligations from prior grants or is a **new** applicant and has previously demonstrated diligence and competency in the administration and use of Department of Environmental Protection (DEP) disbursed, Commonwealth or federal funds, including the timely submission of complete reports and reimbursement requests.

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

Eligible Projects

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

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

A federal Authorization to Proceed (ATP) from OSMRE in accordance with the National Environmental Policy Act (NEPA) must be obtained before reclamation work commences. As such, early and continual coordination and communication with the BAMR staff is strongly encouraged during the application process to allow for preparation of ATP submittals by BAMR staff. Once a grant application is submitted,

coordination with BAMR personnel specific to the submitted application will not be permitted until after the application is scored and the grant awards are announced.

Please contact BAMR staff with any specific questions regarding project eligibility.

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

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

Property Owner Consent

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

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

AML/AMD Grants Funding

A total of \$103.4 million is available under this AML/AMD Grant Program round. The following is available for each project category:

- AML reclamation projects: \$30 million
- AMD operation and maintenance or replacement of existing AMD facilities: \$20 million
- New AMD treatment facility projects: \$20 million
- AMLER-related projects: \$33.4 million

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

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

Multiple application rounds per year (semi-annual to quarterly) are anticipated.

Other Key Provisions of the AML/AMD Grant Program

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

All funding is strictly on a reimbursement only basis. Working capital advancements are not permissible.

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

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

Consistent with 2 C.F.R. 200.328 a grantee will be required to submit quarterly progress and financial reports within 30 days of the end of each federal fiscal quarter.

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

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

The [Davis Bacon Act](#) may apply to these grants.

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

General Priorities of the AML/AMD Grant Program

- Reclamation of serious human health and safety problems resulting from abandoned coal mines.
- Completion of AMD abatement and treatment projects that will assist in meeting watershed restoration goals where Hydrologic Unit Plans and Qualified Hydrologic Units have been established.
- Addresses the operation and maintenance needs and/or upgrades of existing AMD treatment systems where the failure to do so will result in loss of restored stream miles.
- Significant measurable water quality improvements that will contribute towards watershed restoration.
- AMD projects with alternate or third party funded operation and maintenance (projects that do not rely upon SMCRA, BIL or AMLER for continued operation and maintenance)

AMD Projects

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

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

claim with their application. Applications noting an inappropriate AMD treatment technology, determined most likely to be unsuccessful based upon DEP expertise and experience, will not be considered.

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

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

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

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

Contacts for Applications Related to AML

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

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

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

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

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

Contacts for Applications Related to AMD

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

Bituminous Coal Region
BAMR Cambria District Office
Jon Smoyer
814.472.1884
josmoyer@pa.gov

Anthracite Coal Region
BAMR Wilkes-Barre District Office
Todd Wood
570.830.3171
twood@pa.gov

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

How to Apply

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

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

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