

A map of West Virginia is shown in the background, with a color gradient from green in the north to brown and orange in the south. The year "2024" is written in large, bold, black numbers with a white outline, centered over the map. A vertical line is drawn through the map, passing through the center of the year "2024".

2024

West Virginia Department of
Environmental Protection
Annual Evaluation Report

Prepared By:

Charleston Field Office
Office of Surface Mining Reclamation and
Enforcement Charleston, West Virginia

OFFICE OF SURFACE MINING RECLAMATION
AND ENFORCEMENT

Annual Evaluation Report
for the
Regulatory and Abandoned Mine Land Programs
Administered by the
West Virginia Department of Environmental Protection

of

WEST VIRGINIA

for

EVALUATION YEAR 2024
(July 1, 2023 to June 30, 2024)

Prepared by:
CHARLESTON FIELD OFFICE

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Executive Summary

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides authority to the Office of Surface Mining Reclamation and Enforcement (OSMRE) to oversee the implementation of state programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. This report contains summary information regarding OSMRE's evaluation of the West Virginia Department of Environmental Protection's (WVDEP) Regulatory and Abandoned Mine Land (AML) Programs, and the effectiveness of those programs in meeting the goals of SMCRA. This report covers the evaluation year (EY) beginning July 1, 2023 and ending June 30, 2024.

The OSMRE and the WVDEP cooperatively develop a biannual Performance Agreement. The agreement contains the basic framework for oversight and technical assistance activities for the EY. The OSMRE solicited public input into the agreement by providing notice to interested citizens, industry, and environmental groups. The 2024/2025 Performance Agreement, signed in June of 2023 by both OSMRE and WVDEP is available on [ODocs](#).

Highlights of WVDEP's program activities and accomplishments during the EY from both the Regulatory and AML Programs are outlined below.

Regulatory

During EY 2024, OSMRE awarded WVDEP \$9,824,294 as matching funds to operate its Regulatory Program. Through the support of this funding, WVDEP:

- Conducted 100 percent of the inspections required by West Virginia's approved program, which included 12,443 partial and 6,695 complete inspections on 1,831 permits, and 66 complete inspections and seven partial inspections of active coal exploration sites with notices
- Investigated 397 citizen complaints within two days of receipt of the complaint
- Released Phase III bond on 4,072 acres for successful completion of reclamation
- Measured the rate of off-site impacts, with 94 percent of the inspectable units (IU) found free of off-site impacts. This is above the Government Performance and Results Act (GPRA) goal of 88 percent
- Issued seven new permits, approved 104 Incidental Boundary Revisions (IBR), approved 105 permit renewals, 27 permit transfers, one general permit amendments, and 45 exploration notices

The OSMRE is required by Directive REG-8 to conduct inspections and reviews to assure West Virginia is meeting the minimum standards of SMCRA. In support of this goal, OSMRE:

- Conducted 269 oversight inspections and 20 site visits categorized as other. These inspections included complete, partial, and bond release inspections along with required document reviews
- Performed analyses of both OSMRE oversight inspections and WVDEP inspections to demonstrate the successful implementation of its Inspection and Enforcement Program

- Identified 102 active permits with off-site impacts during all scheduled oversight inspections

Abandoned Mine Lands

During EY 2024, OSMRE awarded WVDEP \$185,339,603 in Abandoned Mine Land Reclamation and Abandoned Mine Land Economic Revitalization (AMLER) funding through three grants. The WVDEP accomplished the following with this funding:

- Completed reclamation of 52.75 Government Performance and Report Act (GPRA) acres on 25 AML projects
- Reclamation reduced potential exposure to 15,305 people as estimated by State census data
- Investigated 346 AML-related citizen complaints
- Entered 167 new or significantly revised PADs into e-AMLIS for OSMRE's approval, a decrease of 43 percent from last year
- Submitted ATP requests for 47 projects and received 47 approvals from OSMRE. Thirteen of the projects submitted were non-emergency reclamation, three were waterlines, twenty-five were emergencies, and six were funded under AMLER grants

During EY 2024, WVDEP received \$29,347,333 in Fiscal Year (FY) 2023 funding from OSMRE's AMLER program bringing the total available AMLER funding, including FY 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 to \$210,977,333. Project applications for AMLER funding are in various stages of submittal, review, and approval. Thus far, 66 potential projects have been submitted for OSMRE review since 2016.

Each EY, WVDEP continues the following activities and initiatives:

- Participates in the Acid Mine Drainage (AMD) Set-aside Program by drawing down AML grant funds awarded and by depositing those funds in a state account solely dedicated to treatment/remediation of AMD from pre-SMCRA coal mining operations
- Utilizes the AML Enhancement Rule to reclaim AML sites at minimal cost to the AML Fund
- During EY 2024, the Office of Abandoned Mine Land Reclamation (OAMLR) continued monthly project meetings via Teams conferencing with CHFO to discuss the progress, and any issues, related to any of the activities within the AML program. These meetings have been extremely beneficial to CHFO and OAMLR and will continue
- Improvements to its National Environmental Policy Act (NEPA) document submittal through training and draft review of project documents

OSMRE collects information annually via the following systems: Acid Mine Drainage (AMD) Set-Aside funds, Water Supply Restoration, AML Enhancement, and e-AMLIS (electronic-Abandoned Mine Land Inventory System).

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Regulatory

Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the Department of the Interior. The SMCRA provides the authority to OSMRE to evaluate the implementation of, and provide Federal funding for, the State and Tribal Regulatory and Abandoned Mine Land (AML) Programs approved by the Secretary of the Interior. Among its responsibilities, OSMRE is charged with reviewing and approving State and Tribal Programs for regulating surface coal mining and reclamation operations, ensuring compliance with SMCRA, promoting the achievement of state program goals and objectives, ensuring adherence to Federal and state statutory and regulatory requirements, and maintaining minimum nationwide mining and reclamation standards.

The SMCRA encourages States and Tribes to assume the primary responsibility for regulating coal mining and reclamation activities (primacy). Once States and Tribes are granted primacy, the role of achieving many of the purposes of SMCRA lies primarily with them, including protecting society and the environment from the adverse effects of coal mining, assuring mining is not conducted where reclamation is not feasible, and assuring lands are reclaimed in a contemporaneous manner. The West Virginia Program was granted primacy on January 21, 1981 and is administered by the West Virginia Department of Environmental Protection (WVDEP) Division of Mining and Reclamation (DMR) and the Office of Abandoned Mine Lands and Reclamation (OAMLRL).

Since West Virginia has primacy, OSMRE's role is to:

- Monitor and inspect surface coal mining and reclamation operations to ensure WVDEP is fulfilling its SMCRA responsibilities by effectively implementing, administering, maintaining, and enforcing its State program
- Assist WVDEP in implementing its SMCRA responsibilities
- Evaluate WVDEP's Regulatory and AML Programs
- Resolve, with WVDEP, in a reasonable and timely manner, program and implementation issues identified through oversight
- Pursue corrective actions provided by SMCRA, Title 30 Code of Federal Regulations (CFR), and OSMRE policy if WVDEP is not meeting program requirements

The OSMRE Directive REG-8 outlines procedures and general criteria for evaluating State and Tribal Regulatory Programs. An EY begins on the first day of July every year and ends the last day of June in the following year.

This report contains summary information regarding the West Virginia Program and its effectiveness in meeting the goals of SMCRA as specified in Section 102, covering the evaluation period between July 1, 2023 and June 30, 2024. Individual reports for program elements evaluated during the period are available in OSMRE's online database, ODocs. Reports are also available for review and duplication at the OSMRE office located at 1027 Virginia St. E, Charleston, West Virginia or by calling (304)-977-7450.

The following acronyms are used in this report:

ABS	Alternate Bonding System
AER	Annual Evaluation Report
AMD	Acid Mine Drainage
AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
ARRI	Appalachian Regional Reforestation Initiative
CHFO	Charleston Field Office
CHIA	Cumulative Hydrologic Impact Assessment
CSR	Code of State Regulations
DMR	Division of Mining and Reclamation (WVDEP)
EPA	Environmental Protection Agency
EY	Evaluation Year
FRA	Forest Reclamation Approach
FTE	Full Time Equivalent
FWS	United States Fish & Wildlife Service
FY	Fiscal Year
GPRA	Government Performance and Reports Act
IBR	Incidental Boundary Revision
IJA	Infrastructure Investment and Job Act
IMB	Investment Management Board
IU	Inspectable Unit
NOI	Notice of Intent to Sue
NPDES	National Pollutant Discharge Elimination System
NTP	National Technical Training Program
OAML	Office of Abandoned Mine Lands and Reclamation (WVDEP)
OSMRE	Office of Surface Mining Reclamation & Enforcement
OSR	Office of Special Reclamation (WVDEP)
PAD	Problem Area Description

QA/QC	Quality Assessment/Quality Control
REE	Rare Earth Elements
SMCRA	Surface Mining Control and Reclamation Act of 1977
SRF	Special Reclamation Fund
SRWTF	Special Reclamation Water Trust Fund
TDN	Ten Day Notice
TIPS	Technical Innovation and Professional Services
USACE	United States Army Corps of Engineers
WVDEP	West Virginia Department of Environmental Protection
WVHC	West Virginia Highlands Conservancy
WVSMCRA	West Virginia Surface Coal Mining and Reclamation Act

Overview of the West Virginia Coal Mining Industry

Underground mining was the predominate method of mining coal in West Virginia from the early 1700s through the 1950s. Surface mining began around 1916; however, significant production did not occur until World War II.

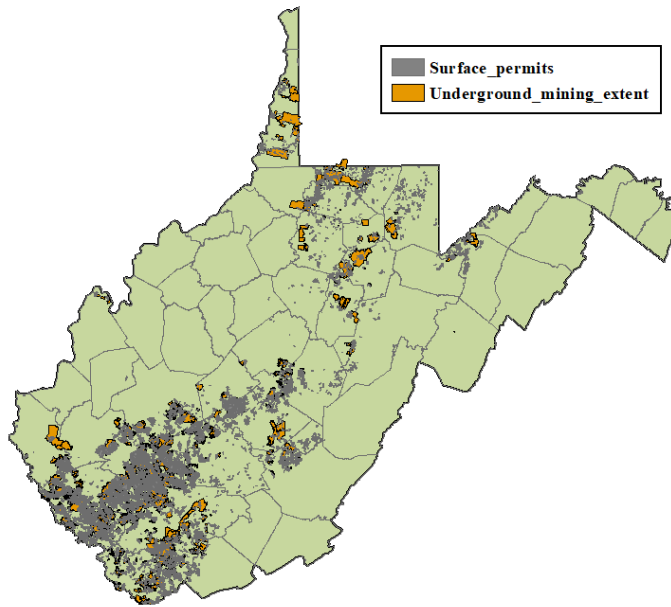


Figure 1: West Virginia Coal Mining

Mining activities occurring before passage of SMCRA in 1977 resulted in many under-reclaimed areas within the State, given some reclamation standards were less stringent than SMCRA. Currently, there are 5,475 problem sites listed in the Abandoned Mine Land Inventory System (AMLIS) for West Virginia.

West Virginia's demonstrated coal reserve base amounts to 29.6 billion tons, and the estimated recoverable reserves amount to 16 billion tons. Recoverable coal is coal that can be mined using current technology. West Virginia currently ranks fourth in the country for proven coal reserves and recoverable coal reserves. Mineable seams have been identified in 43 counties, totaling 117 seams state-wide; 65 seams contain recoverable coal. West

Virginia's coal production accounts for about 13.6 percent of the nation's total coal production. In 2023, West Virginia produced 76.1 million tons of coal (Figure 2), making it the largest coal producing State in the nation (see Appendix 1, Table 1 for coal production based on sales).

Coal was produced in 22 counties and 43 different seams in 2023. The State historically has a recovery rate of 67.43 percent at producing mines, leaving 32.57 percent in place. The average market price for West Virginia coal in October 2023 was \$127.52 per ton. (EIA)

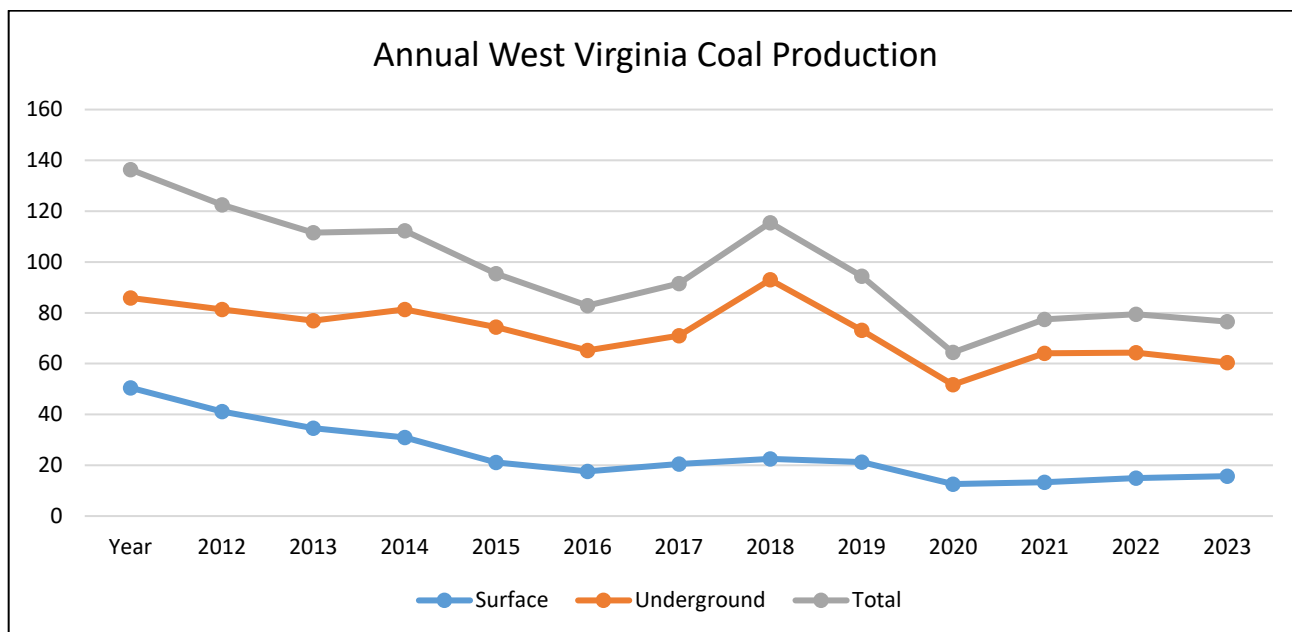


Figure 2: Annual Coal Production via AML fees.

Methods of surface mining used in WV include contour, area, auger, mountaintop, and highwall operations. These surface methods account for 18 percent of coal mined in the State, which contributes four percent of the Nation's surface mined coal.

Excluding coal exploration operations, West Virginia has 1,831 inspectable units, including 1,040 active mines, 558 inactive mines, 221 bond forfeiture sites, and an additional 12 inspectable units (all bond-forfeited) on Federal lands. Inspectable units average 184 acres. The surface area above underground works are not bonded, except for support facilities. Approximately 57 percent of the State's permits are active and require two partial inspections and one complete inspection per quarter; inactive permits require one complete inspection per quarter by the WVDEP.

Overview of Public Participation and Outreach Efforts

The OSMRE Directive REG-8, Oversight of State and Tribal Regulatory Programs, establishes policies, procedures, and responsibilities to ensure that States and Tribes are effectively administering, maintaining, and enforcing their approved regulatory programs. Outreach and public participation are essential elements to effective oversight, and OSMRE continues to maximize opportunities for public participation and make oversight-related information more available to the public.

The OSMRE website, located at <http://www.osmre.gov>, contains information for public use concerning SMCRA and OSMRE's mission. The website contains information regarding OSMRE resources and initiatives concerning mining and reclamation and contains contact and general information about OSMRE's evaluation of state mining and reclamation programs.

To increase the level of transparency specific to oversight activities and the public, OSMRE posts documents for each state program on its REG-8 Oversight Database (ODOcs). The ODOcs is located on the OSMRE's website and contains documents as required by the OSMRE Directive REG-8. The public can utilize the ODOcs built-in search feature to view documents covering the various aspects of OSMRE's evaluation of the West Virginia Program, such as Topical Studies, Evaluation Plans, Work Plans, Oversight Reports, and Annual Evaluation Reports.

The EY 2024 was covered under the 2024/2025 Performance Agreement, which outlines oversight activities between OSMRE and WVDEP. During the development of this agreement, OSMRE conducted outreach to solicit comments from the public and interested parties regarding the evaluation process and their views on potential topics for inclusion into the performance agreement. The OSMRE posted an announcement on its website, as well as a publication in local newspapers, soliciting public input. CHFO can be contacted using the information below.

OSMRE-CHFO
1027 Virginia St E,
Charleston, WV 25301
OSM-CHFO@osmre.gov
(304)-977-7450

Outreach efforts of CHFO personnel included the following:

- Attendance at the National Association of Abandoned Mine Land Programs Conference, Chicago, IL September 24-27, 2023
- Participation in the West Virginia Mine Drainage Task Force, Morgantown, WV April 22-26, 2024

The OSMRE considers public input while determining where to focus resources and what aspects of the State Regulatory Program will be reviewed. Notices of Performance Agreement development were mailed and e-mailed to interested citizens, industry, and environmental groups.

During the EY 2024 evaluation year, the Charleston Field Office attended two educational outreach events in West Virginia including:

- DEP Earth Day Outreach Event, Charleston, WV April 23, 2024
- Arbor Day Event, Charleston, WV April 26, 2024

In addition to OSMRE's public participation opportunities, WVDEP's Regulatory Program provides many opportunities for public participation. The public can access WVDEP's Program information via its website (www.dep.wv.gov).

Within the permitting process, the State requires the coal mining applicants to advertise in a local newspaper of general circulation in the locality of the proposed operation of each permit application, significant revision, or permit renewal and must provide interested citizens the opportunity to comment. Interested parties may review applications online, and the link to access applications is provided in the public notice. Citizens may request WVDEP conduct an informal conference to discuss an application before a decision is rendered to issue or deny a permit, significant revision, or renewal.

A similar process for public advertisement applies to completed surface mining and reclamation operations at the time of bond release. Bond release occurs when all applicable reclamation activities have been accomplished in accordance with the requirements of SMCRA. The permittee must publish each bond release application in a local newspaper once a week for four consecutive weeks. The bond release advertisement

must include permittee name, permit number, precise location, number of acres, total amount of bond, amount of bond requested to be released, a summary of the reclamation, and an address where written comments should be filed. The permittee must also provide proof of notification to surface owners, adjacent property owners, local government bodies, planning agencies, and sewage and water treatment facilities. The OSMRE's annual bond release inspections found WVDEP was timely in notifying citizens and resolving all bond release issues prior to making a bond release decision.

At any time, a citizen may file a complaint with WVDEP concerning mining activities or adequacy of reclamation. WVDEP responds to all oral and written citizen complaints. In EY 2024, WVDEP received 402 complaints that were regulatory in nature. The WVDEP responded to 397 complaints within two working days. If a citizen does not agree with WVDEP's action regarding a citizen's complaint, the citizen may request an informal review with WVDEP of the decision within 30 days. The WVDEP resolved 278 complaints during this EY, with 122 under review pending additional information.

Section 520 of SMCRA allows citizens to file civil actions against the United States, a governmental instrumentality, an agency, or any other person who is in violation of any rule, regulation, order, or permit issued pursuant to the Act. A Notice of Intent to Sue (NOI) is sent to notify the coal industry, and/or, state or Federal regulatory authority that a citizen intends to file a civil action.

Major Accomplishments and Innovations in the West Virginia Program

WVDEP accomplished the following in EY 2024:

- Conducted two sessions of virtual industry training. Topics included: Electronic Submission System (ESS) Process, Bond Release Procedures, Updates concerning Endangered Species Act, Water Sampling requirements, Slope Stability, Structure Removal, and Electronic Certifications
- Issued a compliance bulletin concerning implementation of electronic submittals of Dam Control abandonment requests
- Participated in and supported the QA/QC panel
- Participated in collegiate job fairs to attract applicants for vacant positions
- Conducted hybrid in-person informal conferences and assessment hearings
- Participated in the West Virginia Mine Drainage Task Force
- Participated in the Appalachian Regional Reforestation Initiative (ARRI)
- Provided regulatory updates at various Industry meetings and symposiums
- Participated in the Appalachian Region Technology Transfer (ARTT)
- Developed a Standardized Bat Protection and Enhancement Plan for more efficient Technical Assistance reviews between DMR and FWS WVFO

Reforestation and Reclamation

During EY 2024, per Appendix 1 Table 4, the WVDEP received six new applications for surface mine permits this year and issued seven permits, covering 2,313 acres. Additionally, WVDEP received ten applications for surface mine permit amendments that would add acreage to the permit; WVDEP approved one of these amendments this EY, covering eight acres. WVDEP also received one application for, and approved, no new permits for, underground mines. WVDEP received three new permits for other facilities and approved one permit. Including incidental boundary revisions, WVDEP approved a cumulative total of 1,462 newly bonded acres. Conversely, WVDEP released 4,072 acres through Phase III bond releases.

The WVDEP has promoted the Forestry Reclamation Approach (FRA) by encouraging the implementation of FRA techniques in forestry-related post-mining land uses (PMLU). The FRA is a science-based technique for reclaiming coal-mined land to forest while complying with existing state and Federal mining laws. The five major elements of FRA are: creating a suitable rooting medium, loosely grading topsoil, using compatible ground cover, planting multiple types of trees, and using proper planting techniques.

West Virginia continues to be a leader in reforestation in the Appalachian coalfields by actively promoting the utilization of FRA on both active and abandoned mine land sites. The Appalachian Regional Reforestation Initiative (ARRI) is a coalition of groups, including citizens, the coal industry, and government entities, dedicated to restoring forests on coal mined lands in the eastern United States. Mining operations in West Virginia's coalfields reforested mined lands with 1,252,000 seeds this evaluation year, covering approximately 1,840 acres. Most of the sites included high-value native hardwood tree species in accordance with the FRA.

Rare Earth Elements (REEs)

During EY 2024, WVDEP continued to collaborate with West Virginia University (WVU) in evaluating the concentrations of REEs in AMD sludge that is present on several bond forfeiture sites throughout the State.

Recent research conducted by WVU has shown that AMD is enriched in REE and the critical mineral cobalt. It has been found that AMD has an average total REE concentration of about 287 µg/L (0.287 ppm), ranging from negligible to 2,000 µg/L. WVU has created a concentrate of 80 percent REE derived from AMD treatment precipitates. The strategy of using raw AMD as the feedstock to their acid leaching/solvent extraction refining process was demonstrated on a bench scale level and in the field where a mobile field unit was deployed at a conventional AMD treatment plant operated by WVDEP.

The Buffalo Coal bond forfeiture site treatment plant located near Mount Storm, WV went online during the fall of 2022. The pilot plant for REE processing sludge began shortly after the AMD treatment facility was completed with startup and smoothing out operational tweaks within the system. The AMD treatment facility is averaging 541,080 gallons per day (AMD water) for removal of heavier iron sludge then providing the REE plant an average of 477,954 gallons per day.

Success in Achieving the Purpose of SMCRA

To further the goal of reporting end results and reclamation success, OSMRE field offices utilize State inspections, OSMRE inspections, and program element evaluations to prepare findings on the National Measurement Elements of off-site impacts and reclamation success, as outlined in OSMRE's Directive REG-8. Comprehensive reports for the program elements evaluated during this period are available in OSMRE's ODocs database. Reports are also available for review and duplication at OSMRE's office located in Charleston, West Virginia or by calling (304)-977-7450.

WVDEP Inspections

West Virginia's approved program requires the State conduct an average of one complete and two partial inspections each calendar quarter for all mine sites, except those sites with an approved reduced inspection frequency due to abandonment, temporary cessation of operations, or a Phase II bond release. Sites in the bond release process and in temporary cessation require an average of one complete inspection per quarter.

A complete inspection requires a review of all applicable performance standards associated with the mining operation, while a partial inspection only requires a review of some applicable performance standards. Requirements are detailed below.

- Active sites require one complete inspection and two partial inspections quarterly
- Inactive sites require one complete inspection every quarter
- Forfeited abandoned sites require one complete inspection per year
- Not Started sites require one complete inspection per quarter per the State's policy

WVDEP inspectors conducted 19,138 inspections on 1,831 mine permits and 73 inspections on 134 coal exploration notices during this EY, per Appendix 1 Table 10.

This EY, WVDEP conducted 6,695 complete inspections and 12,443 partial inspections on active and inactive permits. Irrespective of monthly inspection requirements, data shows WVDEP conducted two percent (70) more complete inspections than required, along with 33 percent (4,123) more partial inspections than required by the program. WVDEP met inspection frequency on 100 percent of permits for both partial and complete inspection requirements. For more information on inspection numbers please refer to Table 10 in the Appendix 1.

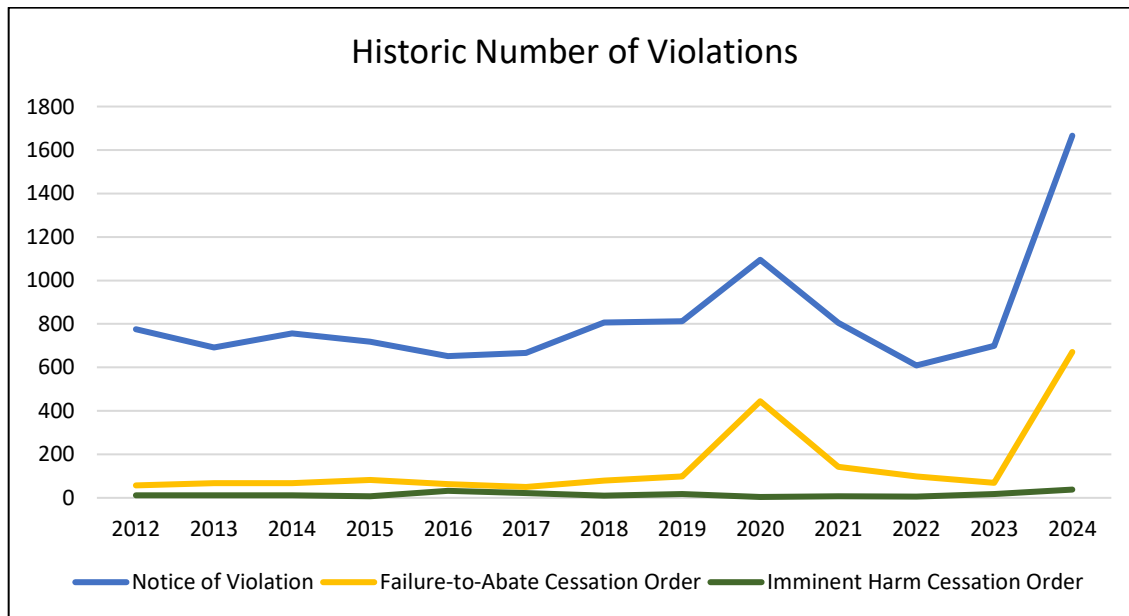


Figure 3: Historic Number of Violation Types

WVDEP's Inspection Results

During EY 2024, WVDEP issued 1,666 violations, 671 Failure-to-Abate Cessation Orders, and 38 Imminent Harm Cessation Orders. For EY 2024, Permit Conditions was the most common violation type identified by WVDEP. Permit Conditions accounted for 26 percent of the violations, Surface Water accounted for 22 percent, and Other Conditions accounted for 12 percent. The remaining 40 percent of violations were spread among other performance standard categories. The overall number of violations has increased from the prior EY.

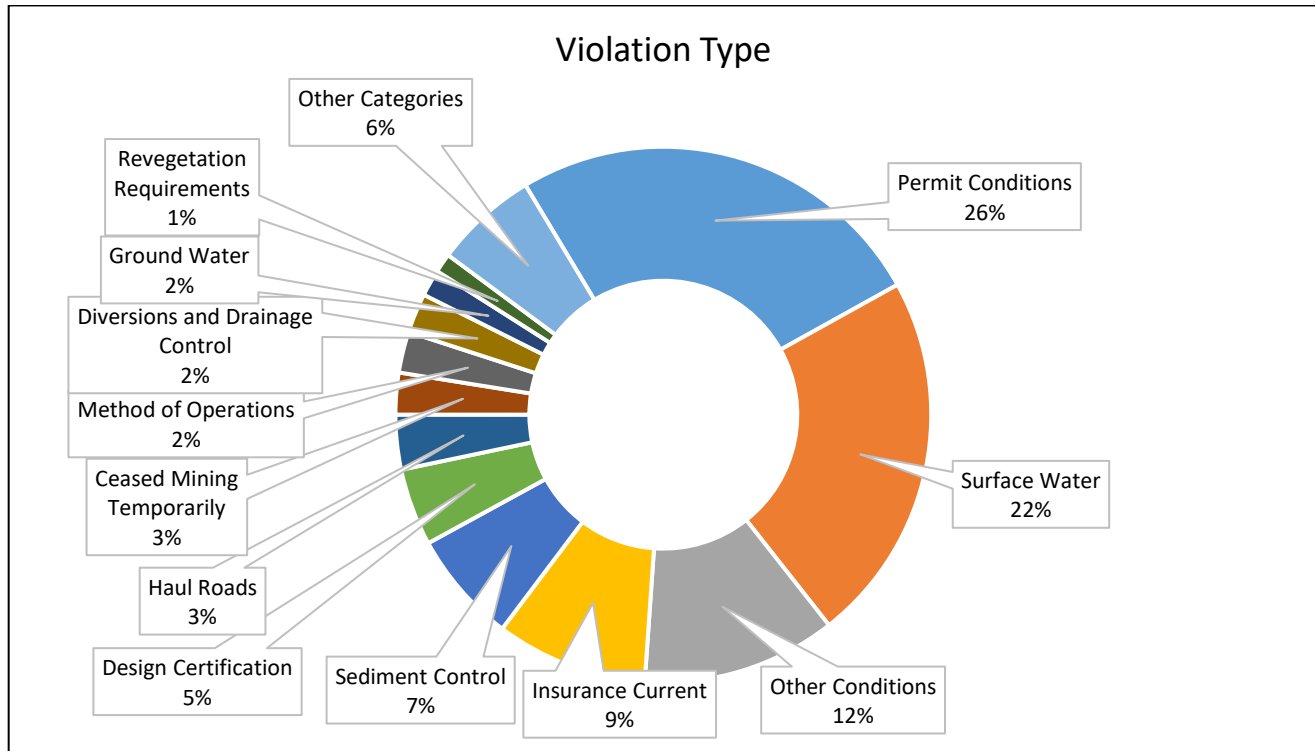


Figure 4: Evaluation Year 2024 State Violation type categories.

OSMRE Inspections

For States and Tribes with more than 1,000 IUs, OSMRE uses a sampling formula to determine its target number of oversight inspections. OSMRE adopted this formula to give a high level of statistical confidence to the data with the understanding that the statistical validity of the results will vary from year to year depending on the stratification of the sites selected and types of studies conducted. The formula OSMRE utilizes to determine the target number of inspectable units to be inspected in States and on Indian lands with more than 1,000 IUs is $n = 384 / (1 + (383/N))$; n is the number of oversight inspections required, and N is the total number of IUs. OSMRE utilized this calculation at the end of EY23 to populate the target number of inspections for inclusion in the 2024/2025 Performance Agreement. Regulatory Table 2 within the 2022 Annual Evaluation Report included a total inspectable unit count of 1880; thus, the required number of oversight inspections required during EY 2024 amounted to 319, as calculated below.

$$n = 384 / (1 + (383/1880))$$

$$n = 319$$

The OSMRE completed 269 oversight inspections for EY 2024, which is 84.3 percent of the budget of 319 oversight inspections. This evaluation activity is detailed in Appendix 1, Table 13. OSMRE additionally conducts inspections and site visits for special regional studies, assistance to the State, citizen complaints, bond release

follow-ups, and document reviews. During EY 2024, along with the 79 complete and 190 partial inspections, OSMRE conducted 20 “Other” inspections. These included citizen complaint inspections, document reviews, and impoundment inspections. These additional types of activities are reflected in the Site Visits, “Other” column of Table 13.

The OSMRE Directive REG-8 specifies at least 33 percent of these oversight inspections must be complete inspections. It also states that bond release inspections should not represent more than 25 percent of the total number.

Oversight inspections evaluate compliance with West Virginia’s approved regulatory program, the approved permit terms and conditions, and approval of the current permit operator under the Applicant Violator System. This enforcement data also helps evaluate and identify program trends, concerns, and accomplishments.

Throughout complete and partial inspections, inspectors gather off-site impact data, compile general compliance statistics, and document other findings including program trends, concerns, and accomplishments.

If OSMRE observes violations during joint OSMRE/WVDEP inspections, OSMRE defers the enforcement action to WVDEP. If OSMRE believes WVDEP has not adequately addressed a violation, OSMRE will issue WVDEP a Ten-Day Notice (TDN), which allows the state time to take appropriate enforcement action, decide that a violation does not exist, or show good cause for not taking enforcement action. If OSMRE determines WVDEP’s response to a TDN is not arbitrary, capricious, or an abuse of the state’s discretion, then OSMRE takes no further action. If OSMRE judges a state TDN response as inappropriate, after allowing time for an appeal, OSMRE may take enforcement action independently, if necessary. The WVDEP generally takes appropriate action when it observes a violation.

OSMRE Inspection Results

The OSMRE identified 333 violations during inspections in EY 2024 as shown in Appendix 1, Table 13. All violations were either abated during the OSMRE oversight, deferred to state action, or previously cited by the WVDEP. There were eight TDNs and two Imminent Harm Cessation Orders (IHCO) issued during EY 2024. The OSMRE identified the following types of violations during EY 2024: Vegetative Cover, Terms & Conditions of Permit, Temporary Cessation, Surfacing & Maintenance, Surface Stabilization, Steep Slope (includes downslope), Stabilization (rills and gullies), Siltation Structures, Post Mining Land Use, Placement, Mining within the Valid Permit, Mining within Bonded Area, Inspections & Certifications, Effluent limits, Drainage Control, Discharge Structures, Contemporaneous Reclamation, and Other. While conducting the 269 oversight inspections, OSMRE found 71 percent of permits it reviewed were violation-free.

Bond Release Inspection Results

The OSMRE considers bond release acreage a method to determine if the approved West Virginia Program is successfully achieving results. Both OSMRE and WVDEP have worked together to implement procedures to capture the bond release data necessary to measure program performance. The WVDEP records indicate 4,072 acres of land received Phase III bond release during EY 2024.

OSMRE conducted 47 oversight bond release inspections on permits where the permittee had requested bond release during the evaluation year. Field conditions were compared to the reclamation plan contained in the permit. Seventeen inspections were on Phase III releases, ten inspections on Phase II releases, and 20 inspections on Phase I releases.

The 17 Phase III bond release inspections conducted by OSMRE occurred on 17 individual permits that submitted Phase III bond release applications during the EY. The 17 permits requesting bond release included 14 surface mines, two underground mines, and one valley fill.

National Measurement Elements

Directive REG-8 identifies two National Measurement Elements OSMRE should evaluate as key indicator of the success of a State or Tribal Program. These elements include the rate of off-site impacts and reclamation success. Review of these elements is supplemented by inspections, national priority topic reviews, and other topic-specific reviews, all outlined in the applicable Performance Agreement developed by OSMRE and a State or Tribal Program.

The EY 2024 summary result of OSMRE's review of these elements is detailed below.

Off-site Impacts

The OSMRE conducts an annual review of the effectiveness of West Virginia's program in protecting the environment and public from off-site impacts resulting from surface coal mining and reclamation operations. The goal is for each IU to have minimal or no off-site impacts; the objective is that States, Tribes, and OSMRE direct efforts to continually reduce the occurrence of off-site impacts. Off-site impacts resulting from surface coal mining and reclamation operations are one of the metrics utilized by OSMRE to collect data for the Government Performance and Results Act (GPRA). The measurement is intended to identify and report for each IU the number and degree of off-site impacts, determine the causes of the impacts, and identify where improvements may be made to lessen the number and degree of impacts. If evaluation data related to off-site impacts indicates program or implementation-related problems, OSMRE and the State or Tribe will implement changes to minimize recurring impacts.

An off-site impact is defined as anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resources outside the permitted area (people, land, water, structures) where that impact is intended to be minimized or prevented by SMCRA or the applicable state program. Off-site impacts are classified by the type of impact, and by the degree of impact (minor, moderate or major). One off-site impact may be recorded to affect multiple resources to varying degrees, but the impact itself is counted only once. During EY 2024, off-site impacts were identified through both routine WVDEP inspections and OSMRE-scheduled oversight inspections.

Permitted Sites

Permitted sites are SMCRA permits that are required by WVDEP to have reclamation bonds. These permits which are regulated and evaluated by WVDEP. Per Appendix 1 Table 5, 1,724 of the State's permits were evaluated for off-site impacts by reviewing the inspection and enforcement data contained in the State's Environmental Resources Information System (ERIS). A total of 197 off-site impacts were found during 19,138 inspections. These offsite impacts occurred on 102 permits, or six percent of the State's permitted population. Therefore, the majority (94 percent) of the permitted sites were free of off-site impacts. Last EY, 142 off-site impacts were identified on 98 permits, indicating a 38 percent increase in off-site impacts from last year and a four percent increase in the number of permits with off-site impacts.

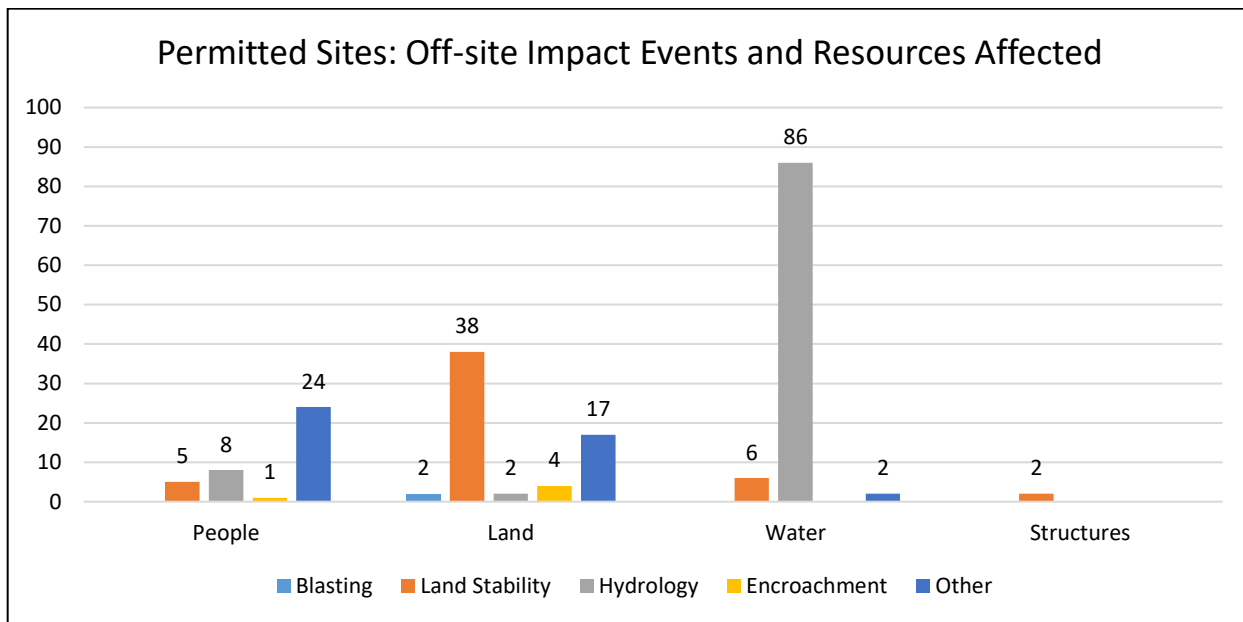


Figure 5: Off-site Impact Events and Resources Affected

OSMRE conducted 269 oversight inspections during EY24. During these oversight inspections, 72 off-site impacts were identified on 33 permits, including 32 minor, 26 moderate, and 14 major impacts.

As part of the evaluation of off-site impacts and based on the State data, OSMRE determined that the primary cause of off-site impacts this EY is operator negligence. These impacts were categorized as to type of impact, resources affected, and degree of impact as required by Table 5 in REG-8. Figure 5 depicts the frequency with which the various impact event types affected each resource category.

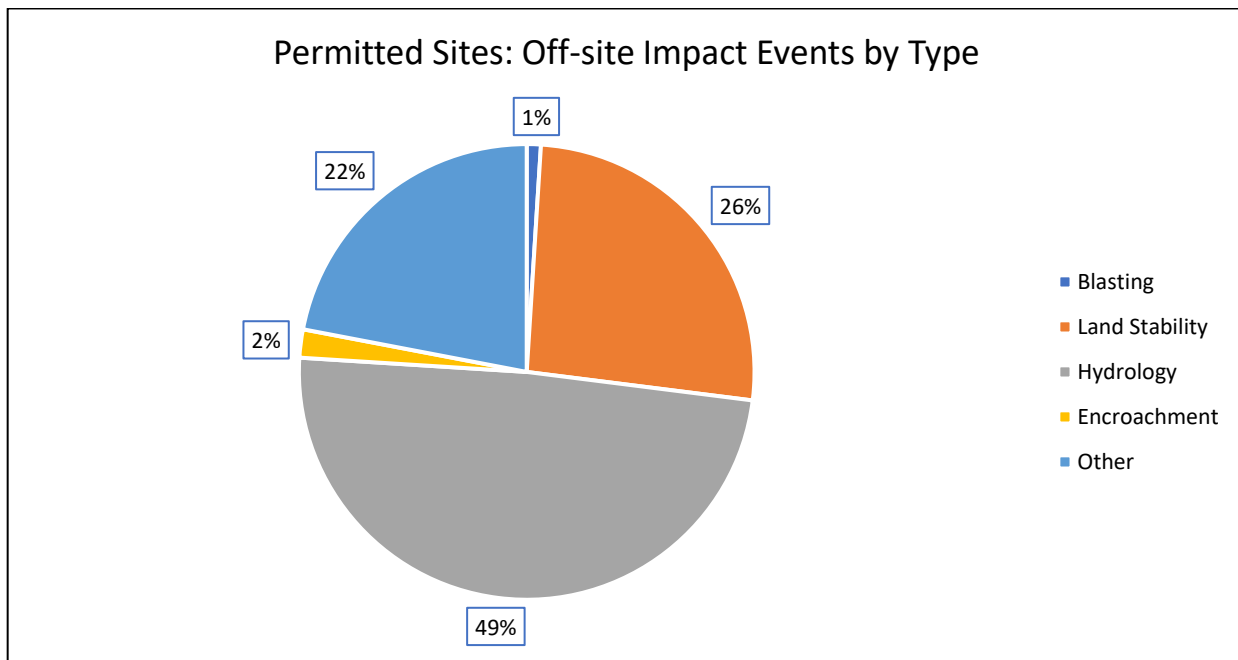


Figure 6: Permitted Sites: Off-site Impact Events by Type

Hydrology represents the majority of impact events identified this year with 49 percent. This is an increase from last year's 28 percent of impacts. The hydrology category includes violations such as exceeding effluent limits, black water spills, and breached diversion ditches. Encroachment represents two percent of the type of impact event, which is a decrease from last year's 22 percent. Land stability represents 26 percent, which is more than last year's 19 percent. Other represents 22 percent, which is less than last year's 28 percent. Blasting represents one percent of the type of impact event this year, which is slightly less than last year's three percent.

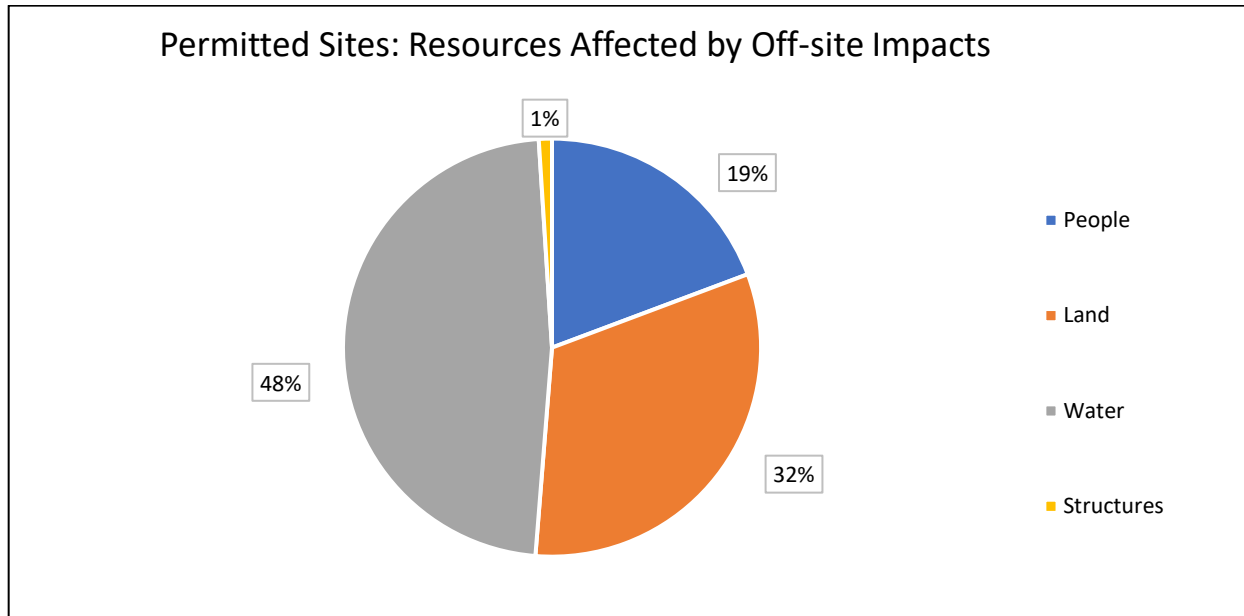


Figure 7: Permitted Sites: Resources Affected by Off-site Impacts

Thirty-eight impacts affected people; these included five minor, 23 moderate, and ten major impacts. Most of these were related to subsidence issues and citizen complaints. Impacts affected Land 63 times, including 12 minor, 39 moderate, and 12 major impacts. Most of these impacts were related to mining off the permit, landslides caused by downslope spoil placement, and breached perimeter diversions causing erosion and sedimentation. Impacts affected water 94 times, including 12 minor, 53 moderate, and 29 major impacts. Most of these impacts were related to violations of effluent limitations or state water quality standards and other mine discharges that resulted in water quality problems. Impacts affected structures two times, including two moderate impacts. Most of these impacts resulted from coal trucks tracking mud onto county highways.

With regard to intensity of impact, minor impacts accounted for 15 percent of the overall total, moderate for 59 percent, and major for 26 percent.

Forfeited Sites

The State's Office of Special Reclamation (OSR) conducted an off-site impact evaluation of forfeited sites for this review period. During this review period, OSR added four new bond forfeitures to the inventory, as shown in Appendix 1 Table 7A. The State's bond forfeiture permits inventory now stands at 280 per Appendix 1 Table 5, a decrease of 3 from last year's 283.

The OSR maintains an inventory of the State's forfeited permits and is responsible for the reclamation of those permits. A total of ten offsite impacts were found during 2,524 inspections, a decrease of 52 percent from last year's 19 off-site impacts at bond forfeiture sites. Of these ten impacts, four were categorized as hydrology impact events, one was categorized as an encroachment impact event, three were categorized as other, and

two related to land stability impact events. Ninety-six percent of the State’s unreclaimed bond forfeiture sites were free of off-site impacts during EY 2024, an increase from last year’s 93 percent.

OSMRE conducted 31 oversight inspections on bond forfeitures during EY24. During these oversight inspections, four off-site impacts were identified on three permits, including two minor and two moderate impacts.

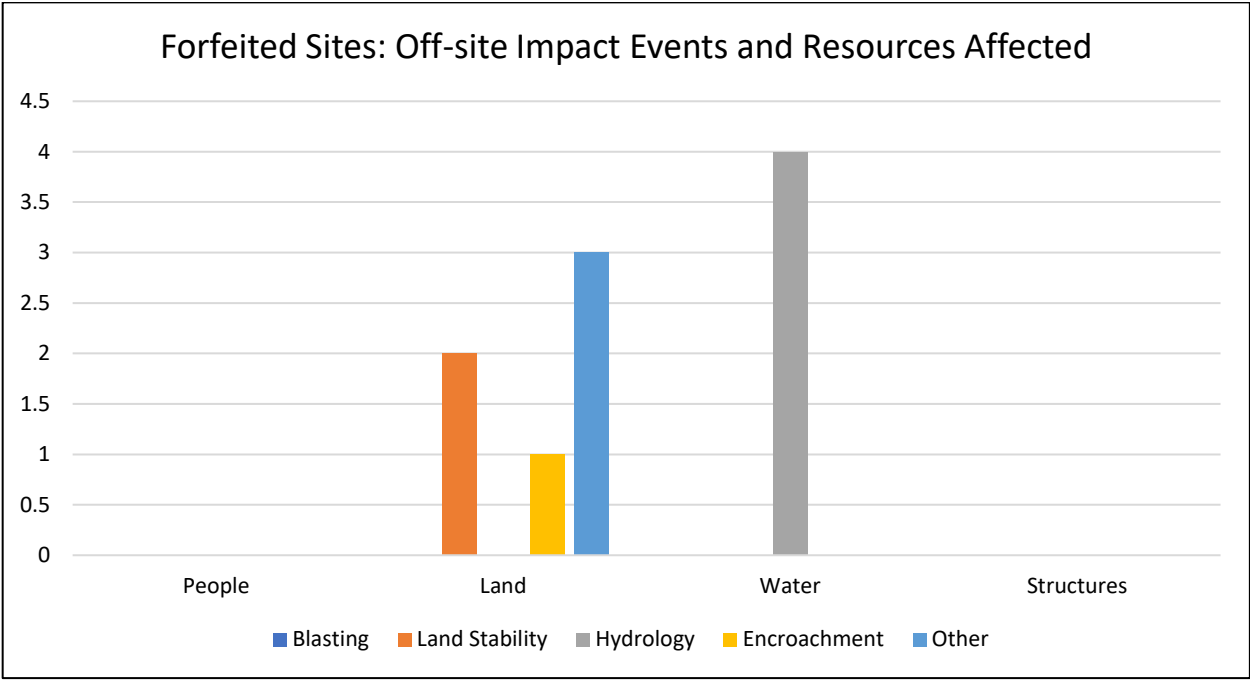


Figure 8: Forfeited Sites: Off-site Impact Events and Resources Affected

These impact events affected Land and Water resources. Impacts affected Land four minor times, one moderate time and one major time. Impacts affected Water three minor times and one moderate time.

Reclamation Success

The OSMRE’s Directive REG-8 requires the evaluation of state programs to ensure successful reclamation on lands affected by surface coal mining operations provided through the state or tribal program.

The OSMRE considers the bond release process one opportunity to determine whether the approved West Virginia Program is successfully achieving results. Success can be measured based on the number of acres that met the bond release standards and have been released by West Virginia.

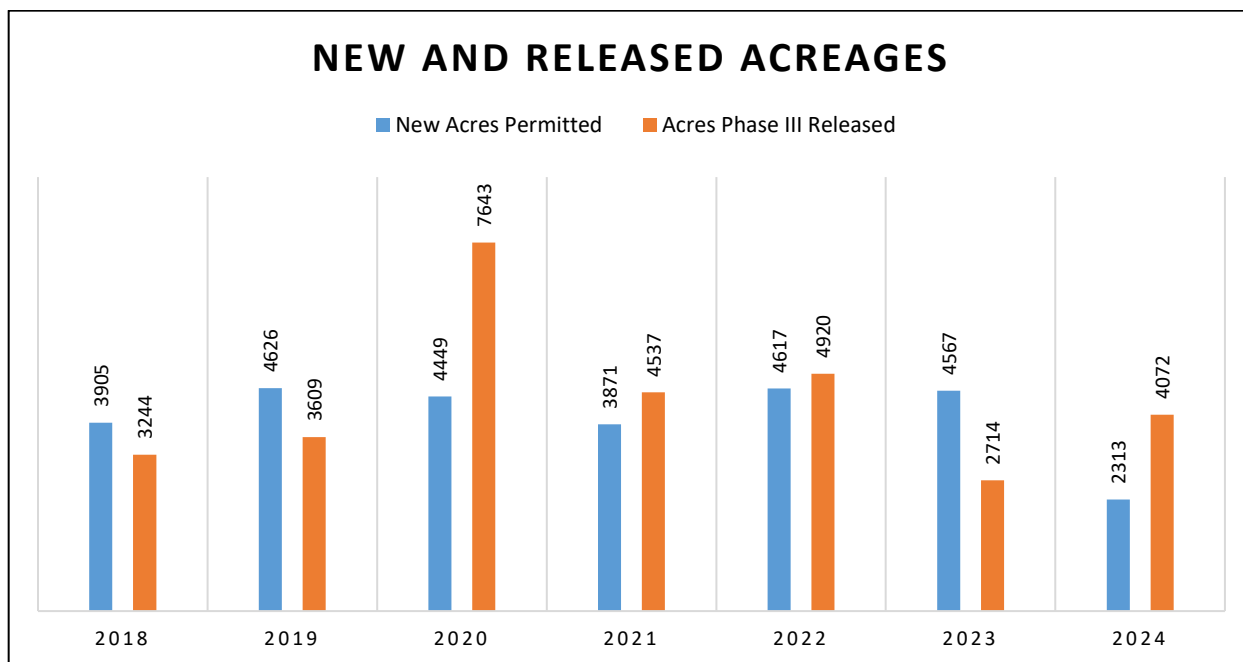


Figure 9: New and Released Acreages

The WVDEP takes a proactive approach with regard to bond release by identifying, and communicating to the permittee, the work necessary to be eligible for each phase of bond release. Additionally, inspection and technical staff work together expeditiously during the bond release decision process.

The State releases reclamation bonds in three phases. Phase I bond release indicates backfilling is complete, and the topography is returned to its approximate original contour, unless there is an approved variance. The Phase II release verifies vegetative cover or other erosion control measures adequately stabilize the surface from erosion, and soil resources are adequate to support that cover; in addition, the site must not be contributing suspended solids to streamflow or runoff outside of the permit area. Finally, Phase III, or final bond release, confirms the mine site is fully reclaimed, meeting the required maintenance period, and the approved post mining land use has been achieved; complete restoration of land and water resources affected by mining is required at this bond release.

The WVDEP records, and Appendix 1 Table 6, indicate 10,192 acres of land received Phase I release, 5,441 acres of land received Phase II release, and 4,072 acres of land received Phase III bond release during EY 2024, illustrating the program is effectively fostering reclamation success on lands impacted by surface coal mining.

The State's OSR records, and Appendix 1 Table 7, indicate that OSR completed land reclamation on three bond forfeiture sites, totaling 370 acres in EY 2024. The OSR continues to maintain an inventory of the state's bond forfeiture sites and oversees the reclamation of these sites.

National Priority and General Oversight Topic Reviews

During EY 2024, no Regional or National Priority Oversight Topics were reviewed by OSMRE. One General Oversight Topic Review was initiated by OSMRE and is in progress. Unless otherwise noted, the following reviews were conducted by teams representing both OSMRE and WVDEP. Reviews are scheduled through the biannual Performance Agreements which both OSMRE and WVDEP agree upon in advance when evaluating topics. These individual reports when complete are available in OSMRE's online database, ODocs. Reports are also available for review and duplication at the OSMRE office located in Charleston, WV or by calling (304)-977-7450.

National Priority Topics

No National Priority topics were conducted during EY 2024.

Regional Oversight Topics

No Regional Priority topics were conducted during EY 2024.

General Oversight Topics

Temporary Cessation and Inactive Statuses

In 2024 OSMRE began to evaluate and report on the effectiveness of the WVDEP's DMR in ensuring that regulations regarding temporary cessation/inactive status and contemporaneous reclamation are being implemented and enforced in accordance with all applicable laws and regulations. OSMRE and WVDEP formed a team to review this topic and evaluate permits randomly selected with 'A4-Active, No Coal Removed and IA-Approved Inactive Status'.

The team will rely on WVDEP permitting data to review permits granted inactive status, permits with pending inactive status applications, permits which have had inactive status expire within the past three years, and permits with a mine status code of A4-Active, No Coal Removed. Additionally, the team will review inspection and enforcement data including the violation and enforcement history of the sample permits in addition to any related corresponding documents (MR-6s, MR-15s, consent orders, and any applicable revisions). The review will evaluate compliance with WVCSR 38-2-14.11, "Procedures to Obtain Inactive Status," as well as any enforcement actions employed to compel compliance, the results of these actions, and the current site conditions of the permits being reviewed. This review will consist of file reviews and jointly conducted inspections. OSMRE and WVDEP will publish findings when the review is complete.

Program Amendment Status

This EY, OSMRE reviewed ten Program Amendments to WVDEP's regulatory program and published three final rules. These amendments are summarized in the following table.

Amendment	Description	Law/ Regulations Amended
WV-115 (Combined with WV-116)	<ul style="list-style-type: none">SB 600 amends §22-3-11 of the Code of West Virginia to implement actuarial recommendations relating to the continued fiscal sustainability of the Special Reclamation Fund. The legislation consolidates what has been known as the "7-and- 7.4 tax" (the 7.4 portion of which is currently subject to annual renewal) into a 14.4 cents tax per ton of clean coal mined, reviewable every two years by the Legislature.OSMRE will publish this rule with WV-116.	§22-3-11, §22-3-11(h)
WV-116	<ul style="list-style-type: none">SB 153 amends State's Surface Mining Reclamation Regulations concerning the continued oversight of "approved" persons who prepare, sign, or certify mining permit applications and related materials.SB 153 additionally proposes to modify incidental boundary revisions (IBRs) to existing permits, clarify certain types of collateral	Permit Applications, IBRs, Biofuel Bio-oil Standards, Hayland Pastureland, §22-3-8 References

Amendment	Description	Law/ Regulations Amended
	<p>activities, delete the bonding matrix forms, change the term “bio-oil” to biofuel, and clarify standards for hayland and pasture use (Administrative Record WV-1522).</p> <ul style="list-style-type: none"> • SB 1011 amends West Virginia Code by requiring surface mine reclamation plans to comport with approved master land use plans and authorizing surface mine reclamation plans to contain alternative post-mining land uses (Administrative Record WV-1523). • SB 436 amends West Virginia Code 22-3-8 by changing references to “the commissioner of the Bureau of Employment Programs” to “executive director of Workforce West Virginia” and “the executive director of the workers’ compensation commission” to “Insurance Commissioner” (Administrative Record Number WV-1521). • OSMRE will publish the final rule when review is complete. 	
WV-118	<ul style="list-style-type: none"> • SB121 amends minimum incremental bonding rate of \$10,000 per increment. (Administrative Record WV-1561). Additionally, it clarifies the format and information necessary for a complete permit application submittal and for the renewal process to consider WVDEP’s electronic filing process. It provides that an approved person must maintain the capability of submitting maps, plans and all other technical data in an electronic format prescribed by the Secretary. In addition, it provides that pre-subsidence surveys will be confidential and only used for evaluating damage relating to subsidence and clarifying that bonding for a permit in inactive status shall remain in effect for the life of the operation. It also provides the Secretary shall issue e-mail notice of a Show-cause Order to members of the public who have subscribed to the Secretary’s e-mail notification service and otherwise provide notice to any person whose citizen complaint has resulted in the issuance of any enforcement action that led to the issuance of a Show-cause Order. • OSMRE published the final rule on 03/18/24. It can be found on the federal register by searching ‘wv-118 or wv-126’. 	Incremental Bonding Rate, Permit Application Renewal, Map Submission, Pre-subsidence Surveys, Show-Cause Order notification
WV-120	<ul style="list-style-type: none"> • In 2009, WVDEP expressed an interest in revising its State-Federal Cooperative Agreement. West Virginia entered a cooperative agreement with OSMRE in 1983 to regulate coal mining on Federal lands within the State. • OSMRE will publish the final rule when review is complete. 	Federal -Lands Permitting
WV-123	<ul style="list-style-type: none"> • HB 4726 terminated the Office of Explosives and Blasting (OEB) with the passage of Section 22-3-34 of the West Virginia Code and transferred the duties and responsibilities relating to blasting to the Division of Mining and Reclamation (DMR). • HB 4726, at Section 22-3-13(g) of the West Virginia Code, authorizes WVDEP to revise its rules regarding hydrologic protection 	OEB termination, §22-3-34, (CSR) 199-1, Hydrologic Impact Assessment

Amendment	Description	Law/ Regulations Amended
	<p>and storm water runoff analyses for mining operations and to promulgate rules that conform with Federal requirements to minimize disturbances to the prevailing hydrologic balance at a mine site and in associated off-site areas.</p> <ul style="list-style-type: none"> WVDEP may conduct a cumulative hydrologic impact assessment and requires a statement of probable hydrologic consequences and to prevent flooding. OSMRE will publish the final rule when review is complete. 	
WV-124	<ul style="list-style-type: none"> The SB 357 amended West Virginia Code Sections 22-3-13 and 19, and authorized WVDEP to promulgate revisions to its contemporaneous reclamation and inactive status regulations. HB 117 provides that the legislative rule filed by WVDEP in the State Register on July 27, 2015, that includes revisions regarding contemporaneous reclamation, inactive status, and topsoil received authorization by the West Virginia Legislature. In addition, amendments regarding bonding requirements for permit renewals and incremental bonding for permit renewals also received authorization by the Legislature. (Administrative Record WV-1606) OSMRE will publish the final rule when review is complete. 	§22-3-13, §22-3-19, Inactive Status, Topsoil, Contemporaneous Reclamation
WV-125	<ul style="list-style-type: none"> SB 687 amends West Virginia Code §§22-3-11(g) (1) and (2), 22-3-13a (a) and (b), 22-3-13a (f) and (h), and 22-3-23 (c) and (i) providing that money be paid from the Special Reclamation Water Trust Fund to assure a reliable source of capital and operating expenses for the treatment of discharges from bond forfeited sites; modifying notification requirements for pre-blast surveys for surface mining operations and certain other blasting activities; and removing minimum bond requirements related to certain reclamation work. OSMRE published the final rule on 01/12/24. It can be found on the federal register by searching 'wv-125'. 	SRWTF, SRF, Pre-Blast Surveys, Bond Requirements
WV-126	<ul style="list-style-type: none"> WV-126, on May 2, 2018, WVDEP submitted Senate Bill 163 (SB 163) to OSMRE. The SB 163 authorized WVDEP to consolidate all its blasting regulations under its Surface Mining Reclamation Regulations. SB 163 modified section 6 relating to blasting in general and created new sections 25 through 27 relating to certification of blasters, blasting damage claim and arbitration for blasting damage claims and explosive material fee, respectively. Additionally, SB 163 revised numbering and removed sections from 12.4.a.2.B to 12.5.e including 22-12.4.c timely requirements of 180 days to initiate reclamation operations on bond forfeiture sites. SB 626 includes proposed statutory revisions that amend §§22-3-9 and 22-3-20 of the West Virginia Code. The SB 626 includes new public notice requirements regarding permit applications. The revisions 	Blaster Certification, Damage Claim and Arbitration, Explosive Material Fee, Public Notice Requirements

Amendment	Description	Law/ Regulations Amended
	<p>at §22-3-9 provide an applicant’s advertisement for public notice be published on a form and in a manner prescribed by the Secretary of WVDEP, which may be electronic. Additional revisions to §22-3-20 provide similar public notice requirements for the informal conference. (Administrative Record Number WV-1613A-B).</p> <ul style="list-style-type: none"> OSMRE published the final rule on 03/18/24. It can be found on the federal register by searching ‘wv-126 or wv-118’. 	
WV-127	<ul style="list-style-type: none"> HB 4217 amends language relating to owner compensation of material damages from subsidence to an owner’s structures or facilities. OSMRE will publish the final rule when review is complete. 	Subsidence Compensation, Sureties Approval
WV-128	<ul style="list-style-type: none"> On April 5, 2022 the West Virginia Legislature passed HB4758 in the 2022 session. The Governor signed the bill on March 28, 2022, and it became effective on June 6, 2022. HB4758 amends §22-3-11(i)(2) of Code of West Virginia to develop and maintain a database to track reclamation liabilities in WVDEP program. On Tuesday, May 23, 2023, the proposed rule was published for comment. The comment period ended June 7, 2023. OSMRE will publish the final rule when review is complete. 	Special Reclamation Fund, Water Trust Fund

Figure 10: West Virginia Program Amendment Status

For more information on specific amendments contact: osm-chfo@osmre.gov or (304)-977-7450. Upon final approval of each amendment, OSMRE will publish the final rule to [Federalregister.gov](https://www.federalregister.gov). Amendments can be located by utilizing the search bar on this page and entering the amendment number, including the letters and dash mark, ie. WV-128.

Regulatory Program Problems and Issues

Any Regulatory Program problems or issues WVDEP experienced during EY 2024 are discussed in the following sections.

Center for Biological Diversity, Appalachian Voices v. U.S. Office of Surface Mining Reclamation and Enforcement (Case No.: 23-cv-03343)

On April 6, 2023, the Center for Biological Diversity (the Center) and Appalachian Voices sent the Department a notice of intent to sue (NOI) OSMRE and the U.S. Fish and Wildlife Service (FWS) for alleged violations of the Endangered Species Act (ESA). In response to these allegations, OSMRE conducted a review of the permits in Kentucky, Virginia, and West Virginia allegedly impacting the GRC and BSC. OSMRE’s evaluation identified State regulatory program issues in each of the three States that could, if left unaddressed, result in a failure to effectively implement, administer, enforce, or maintain their approved regulatory programs. Therefore, in accordance with 30 C.F.R. § 733.12, OSMRE developed an Action Plan for each of the three States to address this situation. The Action Plan required each State to develop a strategy and schedule to renew the SMCRA Coordination Process for all existing permits where a review of ESA-related permit information was not completed at the last applicable permitting action or listing of a new species or designation of new critical

habitat. As of June 30, 2024, the end of the 2024 evaluation year, OSMRE was monitoring the States' implementation of the Action Plans.

On November 8, 2023, the Center filed a lawsuit against DOI, OSMRE, and FWS, alleging that "OSMRE is failing to oversee and ensure the effective implementation of [Kentucky, Virginia, and West Virginia's] Title V programs, as the 2020 BiOp requires." The litigation identifies hundreds of mines in these three states that are alleged to lack approved species-specific Protection and Enhancement Plans (PEPs) for the endangered Guyandotte River crayfish (GRC) and the threatened Big Sandy crayfish (BSC) and which the Center alleges are causing unauthorized impacts to these and other species. As of June 30, 2024, the end of the 2024 evaluation year, the lawsuit was ongoing.

Notice Of Intent to Sue OSMRE and USFWS from the West Virginia Coal Association

On May 2, 2024, the West Virginia Coal Association (WVCA) sent the Department a notice of intent to sue (NOI) OSMRE and the FWS for alleged violations of the ESA. The WVCA alleged that OSMRE is "fail[ing] to timely implement [its] commitments under [the 2020 BiOp] as [they] relate[] to surface mining permits in West Virginia." Furthermore, WVCA stated that the alleged failures by the USFWS West Virginia Field Office (WVFO) to follow the procedures in Appendix A of the 2020 BiOp "also constitute failures by OSM to implement its own SMCRA regulations as specified in Appendix A." On June 28, 2024, OSMRE responded to the WVCA NOI. The response stated that the NOI does not identify any actions that OSMRE has failed to perform in violation of the ESA and concluded that the "NOI has not provided sufficient information regarding what mandatory, non-discretionary action under SMCRA or the implementing Federal regulations OSMRE has failed to perform, it cannot serve as an adequate notice of intent to sue OSMRE under section 520(a)(2) of SMCRA. See 30 C.F.R. § 700.13(f)."

30 CFR Part 733 Notifications

In response to the review prompted by the aforementioned litigation, and in accordance with 30 C.F.R. Section 733.12, OSMRE developed an Action Plan and is requiring West Virginia develop a strategy and schedule to renew the SMCRA Coordination Process for all existing permits where a review of ESA-related permit information was not completed at the last permit renewal, significant revision, or listing or proposed listing of a new species or designated critical habitat under the ESA. As of June 30, 2024, the end of the 2024 evaluation year, OSMRE was monitoring West Virginia's implementation of the Action Plan.

30 CFR Part 732 Notifications

Under 30 C.F.R. Section 732.17(c) OSMRE is requiring WVDEP to submit an amendment to their mining program that will ensure tracking of existing reclamation liabilities (including water treatment) at mining operations. On March 29, 2022, WVDEP submitted a program amendment (WV-128, HB4758) to amend Section 22-3-11(i)(2) of the Code of West Virginia to develop and maintain a database to track reclamation liabilities of WVDEP's Special Reclamation Program. OSMRE published the proposed rule within the Federal Register on May 23, 2023. The public comment period closed on June 7, 2023. For more information refer to 'WV-128' under Program Amendments within this AER. Additional background information can also be found within the 2022 AER. OSMRE will publish the final rule when review is complete.

Monitoring and Improvements to West Virginia's Alternative Bonding System (ABS)

Separate from the 30 CFR Part 732 Notification and West Virginia Bonding Program Evaluation discussed above, OSMRE has monitored, and continues to monitor, the solvency of the West Virginia ABS. The alternative bonding system is an OSMRE approved bonding program. This program requires West Virginia mine permittees to obtain reclamation bonds for their sites.

Alternative Bonding System

During EY 2024, the Special Reclamation Fund Advisory Council (Advisory Council), in coordination with WVDEP and OSMRE, continued monitoring the State's ABS, commonly known as the Special Reclamation Fund (SRF).

The Advisory Council, through the WVDEP, contracted with Taylor & Mulder, Inc. of Potomac, Maryland to complete an actuarial study of the ABS. By law, an actuarial study is to be conducted on the State's ABS every two years, and informal reviews are completed annually. The last actuarial report published was submitted to WVDEP late in Calendar Year 2023 (EY 2024). The actuarial report projected the funds will be solvent on a cash basis through 2043.

Special Reclamation/Water Trust Funds

Through the State Investment Management Board (IMB), the Advisory Council continued to invest the Special Reclamation Water Trust Fund (SRWTF) revenue in long-term bond investments. The adoption of this investment strategy has resulted in increased rates of return for the SRWTF, and to a lesser extent, for the SRF. As of June 30, 2024, the Fund has accumulated assets of \$9.7 million, a 24.7 percent decrease from 2023 values, while the SRWTF has accumulated \$178.3 million in assets, a 15.2 percent increase over 2023 SRWTF values. Increased revenues for the SRWTF are attributed to the tax increase in 2012 as well as the improved investment strategy which was initiated in 2013.

Since 2018, the SRWTF had a net gain due to \$40.1 million earned through investments. During the reporting period, the SRWTF funds invested in the State's IMB reported a gain of \$15.5 million due to overall market conditions. These gains are encouraging with the hope that investments will continue to accrue interest so the funds can be used to reclaim bond forfeiture sites, including water treatment, into the future.

Acid Mine Drainage Inventory of Active Permits

The WVDEP continues to develop and maintain its AMD inventory of active permits. Determining current reclamation liability of active permits for both land and water treatment is critical to assessing the solvency of the SRF. The OSMRE continues to be concerned about the reclamation liabilities of existing forfeitures.

During EY 2023, WVDEP took steps to improve its water treatment inventory of active permits. The WVDEP tasked its inspection staff with validating the number of sites likely to be treating water after active mining operations have ceased. The WVDEP began assessing water treatment cost data for its AMD Inventory on a discharge outlet basis. This EY, WVDEP began developing HPU ERIS database information pertaining to chemical treatment in 2024. WVDEP actuaries will have access to this information to better assess potential liabilities in the future. This data collection has become part of the discussion related to the 30 CFR Part 732 Notification from August 23, 2021, which WVDEP submitted as an amendment in WV-128.

State Regulatory Staffing and Program Funding

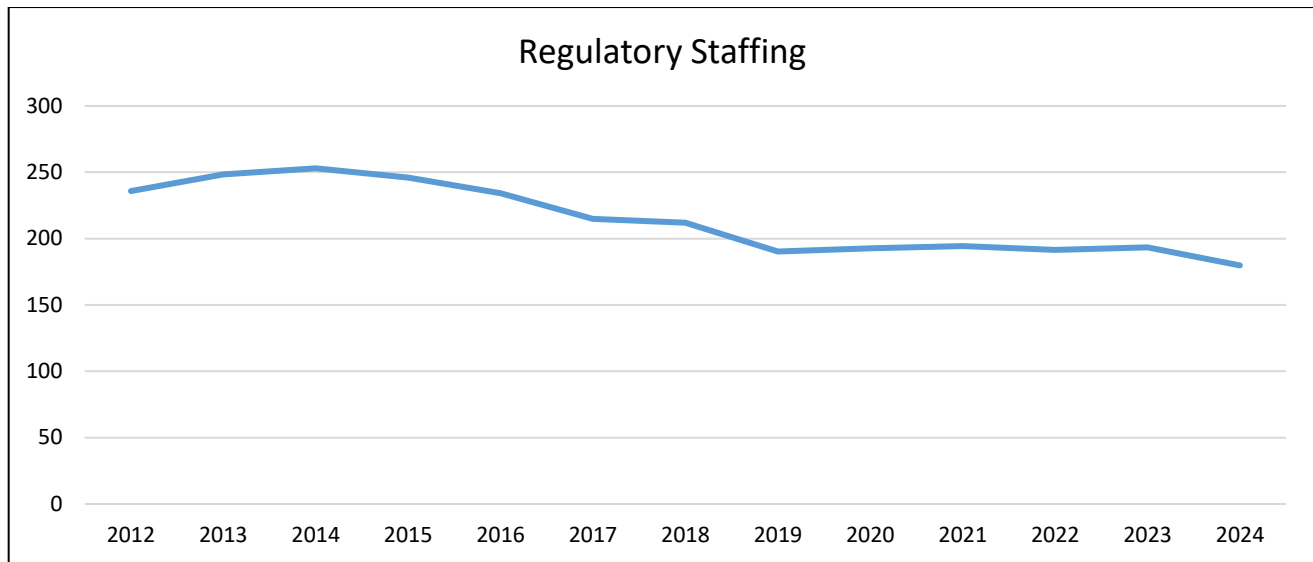


Figure 11: Regulatory Staffing Levels

During EY 2024, the State had an approved regulatory program staff of 203.27 Full-Time Equivalent (FTE) positions, but there were 23.45 vacant positions, resulting in total 179.82 FTE filled positions. Bond forfeiture personnel FTE's 21.67 are not included in this figure shown in Appendix 1 Table 8. State officials anticipate this vacancy rate will continue into the next EY due to recent turnover rates.

Most coal models project the State coal production will continue to decline in the future, which will result in a revenue loss from coal severance tax revenue. However, given any State proposal to increase revenue requires legislative approval, WVDEP must act to find a permanent source of revenue for the regulatory program. OSMRE will continue to monitor this closely.

OSMRE Assistance

The OSMRE supports WVDEP's Regulatory Program through many avenues. The most significant is through a yearly fiscal grant. The WVDEP's regulatory grant cycle begins on January 1 of each calendar year. For EY 2024, WVDEP received \$9,824,294 to fund 50 percent of its regulatory program costs.

In addition to financial support, OSMRE also provided assistance in the following areas during the EY.

Technical Training – Technical Innovation and Professional Services (TIPS) and National Technical Training Program (NTTP)

The OSMRE organizes and conducts in the classroom training courses throughout the year for State and Federal program staff. The courses are specifically oriented toward the latest technologies useful for the regulation of active mining and reclamation of abandoned mines. OSMRE's NTTP and TIPS Program administers these courses. During EY 2023, 53 WVDEP regulatory staff attended NTTP courses and two WVDEP employees attended TIPS courses.

Lexington Coal Company West Virginia, LLC

Horizon Natural Resources Company (Horizon) filed for Chapter 11 bankruptcy protection in November 2002, resulting in the largest coal company bankruptcy in United States history at the time. In August 2004, the U.S. Bankruptcy Court in Kentucky approved the company's reorganization plan, which included the formation of

Lexington Coal Company West Virginia, LLC (LCC). LCC's primary responsibility was to complete land reclamation on the remaining permits and to provide for the treatment of any pollutant discharge found to be present.

The LCC submits summaries of its operation, maintenance, and capital improvement costs at sites requiring water treatment to WVDEP. Pursuant to the Trust Fund and Bond Agreements, WVDEP and LCC review and update the water treatment cost estimates and adjust the bond amounts based on the Primary and Capital Trust and Target valuations set forth in the Agreements. Based on this review, monies within the Trust Funds can be adjusted over time. If the Trust valuations are less than the Target valuations, WVDEP can request that LCC add monies to the Funds. However, if the Trust valuations are more than the Target valuations used in managing the trust funds, WVDEP is required to instruct the Trustee to disburse the excess funds to LCC.

The State's IMB invests the three LCC trust funds for WVDEP. According to the IMB, the three trust funds had a value of \$11,510,361.43 as of June 30, 2024. During the evaluation year, LCC had not yet requested expenditures for operation and maintenance and capital costs that it has incurred at these three sites. The WVDEP and OSMRE continue to monitor and report on LCC's water reclamation activities on these permits.

The Quality Assessment Quality Control Panel (QAQC Panel)

The Bragg vs. Robertson Lawsuit Consent Decree entered in the U.S. District Court for Southern West Virginia on December 22, 1999, created a QAQC Panel, with the purpose of "reviewing surface mining permits and to visit mine sites, as appropriate, to apprise the Director of WVDEP respecting administrative completeness of permits and to help assure consistent application of policies and procedures." The Consent Decree also specified that the Director create and post new positions to include a biologist (with at least a master's degree in biology) and a trained and qualified (professional) engineer with at least a Bachelor of Science Degree in mining or civil engineering. Five personnel make up the QAQC Panel: two coal industry representatives, two environmental representatives, and one WVDEP representative. The WVDEP also provides a full-time "Approximate Original Contour (AOC) Engineer" and other WVDEP representatives, if needed, to assist and support the Panel. The OSMRE is not a member of the Panel, but often attends meetings as an observer and resource to the team.

The Panel is required to meet nine times per year. This generally consists of four, two-day sessions at WVDEP regional offices and two one-half-day sessions to prepare and present the Panel's annual report to the Director and his staff at WVDEP headquarters. The calendar year 2024 represents the QAQC Panel's 25th year in existence.

While the Panel reviews and monitors the overall completeness and quality of permit applications, examples of specific technical areas on which it has concentrated in the past include:

- AOC calculations, determinations, and compliance certifications
- AOC variances and alternate post-mining land use justifications
- Contemporaneous reclamation plans and variances
- Topsoil substitute waivers
- Endangered Species issues
- Storm Water Runoff Analyses (SWROAs)

- Drainage control designs
- Slurry impoundment construction plans
- Electronic signature policies for permitting
- §404 Clean Water Act delineation and mitigation requirements
- Field application of specific reclamation techniques (such as forestland and ARRI)

The Panel annually reviews permitting statistics, reports on recent trends and permit practices, reviews user issues, and makes overall recommendations to WVDEP to improve permit quality and the efficiency of permit reviews. Over the past several years, the panel has identified and commented on general completeness and any potential deficiencies needing to be addressed. At the request of WVDEP staff, the Panel has also reviewed specific state policies and/or proposed guidelines, offered assistance with the development or revision of various certification forms, assisted with industry training sessions, and recommended measures to clarify/update WVDEP's e-permitting system (now called ESS or Electronic Submission System).

The panel's plans and goals for the calendar year 2024 included:

- Visit each regional office as practical
- Continue to review most recently submitted SMA's by region
- Conduct site visits, approximately 1-2 meeting days
- Re-visit site(s) previously visited by the Panel in early stages of mining in order to review progress and current compliance
- Visit Alternative Post Mining Land Use (PMLU) sites
- Prepare a SWROA Frequently Asked Questions (FAQ) document/help file, based on the results of last year's most common SWROA deficiency project
- Assist WVDEP with training seminars/sessions, as requested
- Take on any special project or review of issues requested by the Director or Secretary
- Prepare and present End of Year (EOY) Report to the Director
- Assist WVDEP with draft policy on submission standards for PDF files of permit application maps and drawings

The QAQC Panel expects to present its annual report to the Director in early December 2024; the report will summarize 2024 activities, recent permitting trends, plans for 2025, and any Panel recommendations to WVDEP.

Elevations under the Dispute Resolution Process of the 2020 Biological Opinion

On January 26, 2023, the WVDEP DMR initiated the Dispute Resolution Process (DRP) in accordance with Appendix B of the ESA Section 7 Consultation Final Programmatic Biological Opinion and Conference Opinion on the United States DOI OSMRE's Surface Mining Control and Reclamation Act (SMCRA) Title V Regulatory Program (2020 Biological Opinion). DMR initiated the elevation through the DRP to address delayed reviewing and processing of three permitting actions by the FWS West Virginia Field Office (WVFO). CHFO, WVFO, and DMR agreed to resolve the elevation at the level one of the DRP, with the understanding that an on-staff biologist with CHFO would assist WVFO with SMCRA-related ESA reviews for one calendar year from the date of resolution.

From April 5, 2023, to April 5, 2024 a CHFO biologist assisted WVFO with SMCRA-related ESA reviews and aided WVFO in reducing delays in the review process. WVDEP DMR initiated the DRP at level 1 nine times throughout EY2024, on 17 permits, as review by WVFO surpassed the 30-day review timeframe listed within the 2020 Biological Opinion. Further, WVDEP initiated the DRP at level 2 once during the EY on ten permits. CHFO reviewed and addressed these elevations as they were submitted. CHFO, WVFO, and WVDEO continue to work cooperatively to address ongoing DRP elevations by the SRA.

ESA Stream Assessment for the Guyandotte and Big Sandy Crayfish

The WVDEP requested OSMRE provide technical assistance to determine if environmental controls on surface mine operations are adequate to protect the Guyandotte River Crayfish (*Cambarus veteranus*) and the Big Sandy Crayfish (*Cambarus callainus*), both listed in early 2016 under the ESA due to declining range and habitat loss. FWS designated the critical habitat for these species in 2022. Currently the draft report detailing the study and its findings is undergoing managerial review by WVDEP and OSMRE. Once finalized, the report will be available on <https://www.odocs.osmre.gov/>.

Technical Assistance - Greater Indian Creek Watershed

The WVDEP requested technical assistance from OSMRE for a complaint involving the Indian Creek Watershed in Wyoming County. OSMRE, DHHR, and WVDEP systematically sampled the Greater Indian Creek Watershed citizen water wells to determine water quality issues and root cause of artesianing wells.

In addition to the citizen wells sampled by WVDEP and OSMRE, teams sampled active and abandoned mine land sites. Further investigations to the complex groundwater and gas flow systems on the Indian Creek area are ongoing.

Technical Assistance - Martinka Subsidence

On March 18, 2024, the WVDEP Office of Special Reclamation contacted CHFO to request assistance in determining if surface cracks on a farm in Marion County, WV was the result of long-wall subsidence for a revoked mining permit under OSR's control. The OSMRE team overlayed the surface cracks with the mining panels showing that mining did occur beneath the farm in 1988 – 1990 at a depth of 450'. Subsidence would typically occur within two years of mining, so this investigation had a historical component not typical of Title V subsidence.

During the field investigation the surface cracks were visible and appeared to be typical of long-wall subsidence formed from tension stresses. Upon discussions with the landowners, it was disclosed that in the 1990s, cracks had formed in these areas and the mining company had mitigated the cracks with the use of mining timbers. Following the field investigation, the team completed a subsidence model using Surface Deformation Prediction System software that predicted subsidence deformations around the surface cracks of 1-4'. The

OSMRE team determined that the surface cracks are the result of subsidence from the underlying long wall panels.

Technical Assistance – Marion County Well Subsidence

On February 1, 2024, the WVDEP contacted CHFO to request assistance in determining if two wells had been subsided by Title V longwall mining in Marion County, WV. The OSMRE team overlayed the land tracts with the mining panels showing that mining did occur beneath the wells in December 2021 and January 2022 at a depth of 780'-830'. Borehole camera studies were completed on the two wells, revealing fresh cracks in the rock strata of both wells along with residual water staining showing that the current water level was significantly lower than historical levels. From the video footage, it was determined that the landowners' use of their wells had been impacted by subsidence of the underlying long wall panels. The WVDEP requested the footage from the camera studies to present as evidence at a Surface Mine Board hearing concerning the impacts to these wells.

Abandoned Mine Land Reclamation

Introduction

The SMCRA encourages States and Tribes to assume the primary responsibility for reclamation of lands and water adversely affected by past mining practices. States and Tribes may assume primary authority for reclamation of AML by obtaining approval of an Abandoned Mine Land Reclamation Plan (AMLR) under Title IV of SMCRA. Once an AMLR Plan is approved, OSMRE has the responsibility to oversee the approved AML Program to determine if it is being administered in accordance with the approved provisions. Since West Virginia has the authority to manage its AML Program, OSMRE's primary role is to:

- Monitor WVDEP's compliance with the requirements of its approved AMLR Plan, SMCRA, applicable CFR regulations, grant requirements, and applicable Office of Management and Budget circulars governing financial management
- Assess WVDEP's progress in addressing problems identified in its e-AMLIS inventory
- Ensure WVDEP maintains its capability to fulfill SMCRA responsibilities
- Assist WVDEP in implementing its responsibilities
- Report on the evaluation of WVDEP's Program
- Work with WVDEP to resolve, in a reasonable and timely manner, program and implementation issues identified through oversight
- Pursue corrective actions provided by SMCRA, Federal rules, and OSMRE policy if WVDEP is not meeting program requirements
- Authorize each AML reclamation project to proceed after reviewing environmental information submitted by WVDEP to make the necessary National Environmental Policy Act (NEPA) findings and to ensure proper consultations with coordinating agencies are performed

The AML-related problems include, but are not limited to, landslides, stream sedimentation, hazardous structures, dangerous highwalls, subsidence, loss of water, AMD, open mine portals, water-filled pits, highwalls, fumes at burning refuse piles, and unstable refuse disposal areas. A large number of AML-related hazards are still present in the coalfields and are being addressed on a priority basis.

There are two main categories of AML hazards: emergencies and priority reclamation projects. An emergency hazard is defined as a sudden danger or impairment related to coal mining that presents a high probability of substantial physical harm to the health, safety, or general welfare of the people before the danger can be abated under normal AML Program operation procedures. A priority hazard is defined as a threat to the public health, safety, general welfare, land, water resources, or the environment, but is not sudden and can be abated under normal program operations. Priority hazards are divided into three categories (priorities 1, 2, and 3) based on the impacts and severity.

The OSMRE Directive AML-1 required OSMRE to develop and maintain a computerized inventory of eligible lands and waters consistent with the requirements of SMCRA Section 403(c). This system is known as the enhanced Abandoned Mine Lands Inventory System (e-AMLIS) and was developed to assist in the planning and

evaluation of reclamation projects. Grant funding provided by OSMRE to states may not be expended for the development, design, or reclamation of a coal problem unless it is contained in e-AMLIS. The States and Tribes are responsible for administering their individual AML Programs and setting the priority of each proposed project in accordance with OSMRE Directive AML-1 and their approved Reclamation Program. It is OSMRE's responsibility to approve each addition.

Each hazard is located within a specific area and is designated a certain problem type and priority based on the level of danger to the public's health and safety. The e-AMLIS allows for multiple maps and documents to be uploaded to the system and linked directly to problem areas. Programs developed within e-AMLIS allow users to enter problem type units, such as number of portals, gallons of water, or feet of highwall, and the program equates those problems to a predetermined number of acres for a problem type, GPRA acres. A consistent measurement such as this allows users to get a general idea of the overall status of reclamation throughout the nation.

The OAMLIR staff continues to amend existing information within e-AMLIS to reflect existing conditions more accurately in the field and to update e-AMLIS with completion data as sites are reclaimed. This information is available to the public at <https://eamlis.osmre.gov>. Figure 12 shows the status of reclamation in West Virginia and the changes that have occurred in recent years.



Figure 12: Unfunded vs. Completed projects via evaluation year.

Program Administration

The WVDEP annually applies for grants from OSMRE to reclaim high-priority AML sites and to fund economic development in mining-impacted areas. These grants are used to fund the direct and indirect costs of the State in administering their AML program, to develop engineering plans and specifications, to ensure the on-the-ground remediation of pre-1977 problems and hazards. The primary grants utilized in these efforts are the traditional AML fee-based grant, the Infrastructure Investment and Jobs Act (IIJA) grant, and the Abandoned Mine Land Economic Revitalization (AMLER) program grant.

The traditional AML fee-based grant program awards funds from OSMRE's Abandoned Mine Land Reclamation Program to approved state programs to reclaim coal mines abandoned before 1977. These funds come from fees paid by present-day coal mining companies on each ton of coal mined. Current fees are 22.4¢ per ton of

coal mined by surface mine methods, and 9.6¢ per ton of coal mined using underground methods. These funds are allocated to each approved state based on a distribution formula. West Virginia's Abandoned Mine Lands Reclamation program was approved by OSMRE effective February 23, 1981. Additional information on Abandoned Mine Land Reclamation Program funding can be found [here](#).

The Infrastructure Investment and Jobs Act (IIJA), P.L. 117-58, was enacted on November 15, 2021. This enacted legislation included language that directly, or in some cases indirectly, impacted OSMRE. In addition to the extension of AML fee collections and mandatory AML Grant distributions, \$11.293 billion in new funding was authorized to be appropriated for deposit into the Abandoned Mine Reclamation Fund. As directed by the IIJA, in FY 2022 OSMRE began distributing approximately \$725 million annually for 15 years. Eligible States and Tribes will receive these annual IIJA AML grant distributions for the remaining years, subject to any required adjustments.

The Abandoned Mine Land Economic Revitalization (AMLER) Program was established as part of The Consolidated Appropriation Act of 2016 (Public Law 114-113). AMLER funding was made available to West Virginia to partner with other entities to develop economic revitalization projects focused in areas of the State severely impacted by the economic downturn in the coal market. The focus of these grant monies is to accelerate the remediation of AML sites with economic and community development end uses, and to explore strategies to convert legacy coal sites into productive land uses. In FY 2016, \$30 million was made available to the WVDEP. In FY 2017, FY 2018, FY 2019, FY 2020, and FY 2021, \$25 million was made available to the WVDEP through subsequent AMLER grants. In FY 2022, West Virginia's AMLER award increased to \$26,630,000.

During EY 2024, the OSMRE awarded the following grants to OAMLR:

- FY 2023 AMLER - \$29,347,333
- FY 2023 IIJA - \$140,683,878
- FY 2024 traditional AML Fee-based - \$15,308,392

The OAMLR utilizes the administrative portions of its grants to currently fund a staff of 67 FTE positions.

Traditional AML Fee-based and IIJA grants are utilized for AML reclamation. OSMRE has approved four primary AML components of the AML program in West Virginia:

1. The regular construction program abates high priority, non-emergency problems caused by past mining practices. The OSMRE approved the regular abandoned mined lands construction program on February 23, 1981.
2. The State's Emergency Program abates problems caused by past coal mining practices. These must be expedited because the health and safety issues result from a sudden occurrence too serious to be addressed under the regular construction program. The OSMRE approved the State's Emergency Program on August 26, 1988. In FY 2011, OSMRE stopped providing specific funding for emergency projects, but OAMLR continues to address emergency issues with its regular grant funding and continues to operate an Emergency Program as it did prior to the elimination of direct, Federal emergency funding.
3. Potable water supply provisions allow the State to repair or replace water supplies when the damage from past mining practices occurred primarily before August 3, 1977. The OSMRE approved this program provision on July 25, 1990.

4. The Acid Mine Drainage Abatement and Treatment Program (AMD set-aside) allows the State to use a percentage of its annual grant allocation to reclaim watersheds impacted by AMD. The OSMRE originally approved this program component on March 26, 1993 and limited the amount of the “set-aside” to ten percent. The 2006 Reauthorization of the AML program allowed the State to increase the amount of funding in the set-aside for AMD treatment and abatement to 30 percent of its annual grant. The fund, including all interest, is specifically for the abatement of the causes and treatment of the effects of AMD in a comprehensive manner within qualified hydrologic units affected by past coal mining practices.

National Environmental Policy Act Review

The National Environmental Policy Act (NEPA) provides a process by which Federal agencies make decisions on proposed actions based on the environmental consequences of those actions and their alternatives. Traditionally, WVDEP prepares the necessary environmental documents, required for OSMRE’s compliance with the CEQ’s NEPA regulations. For each proposed AML construction project, WVDEP submits to OSMRE an environmental package that includes: an environmental document, AML eligibility statement, applicable supplemental information, NEPA consultation correspondence, and new or updated e-AMLIS documents when needed. The e-AMLIS documentation shows the eligible AML feature entered and categorized as “unfunded” with the estimated budget for the project.

The OSMRE reviews each environmental package to ensure relevant consultations with coordinating agencies were performed and comments/concerns from those consultations regarding site-specific impacts are resolved. The reviews also ensure necessary permits and proposed borrow/disposal areas have been identified. A joint OSMRE/WVDEP site visit may be conducted to gain a better understanding of the AML project scope or issues involved with the proposed construction. The OSMRE works with WVDEP to revise the environmental document as necessary and then issues a notification of its decision within 14 working days of receiving a completed environmental package. Immediately prior to the issuance of the ATP, WVDEP annotates e-AMLIS showing the AML feature units and costs involved with the project “funded” based on the estimated budget for the project. If OSMRE does not issue an ATP, WVDEP is notified of the reason(s) and the project package is returned for modifications.

During EY 2024, WVDEP submitted requests for 47 projects, receiving ATP on 47. Thirteen of the projects submitted were non-emergency reclamation, three were waterlines, 25 were emergencies, and six were funded under AMLER grants.

When an emergency occurs, WVDEP and OSMRE work cooperatively to abate the problem. In case of emergencies, the same procedures are followed as with all proposed AML projects unless the abatement measures are required sooner than when the regular NEPA process can be completed. The WVDEP submits to OSMRE emergency project information, and an inspection may be conducted to confirm the project meets the emergency criteria. Required NEPA consultations are initiated at this time. The OSMRE will issue an ATP via email or phone in cases where abatement measures are required as soon as possible. After the emergency is abated, WVDEP will submit a full NEPA package to OSMRE.

Enhanced Abandoned Mine Land Inventory System Update

Last EY, the OAMLIR entered 228 new Problem Area Descriptions (PAD) into e-AMLIS for OSMRE’s approval. This year, OAMLIR submitted 167 new or significantly revised PADs into e-AMLIS for OSMRE’s approval, a decrease of 27 percent. This decrease is due to the rapid expansion of the program and need for design and engineering consultants to cover staffing shortfalls. The number of new or significantly revised pads submitted

into e-AMLIS is a function of the State identifying new AML features, often through citizen complaint or when developing other AML projects.

Completed AML projects (reclaimed sites, including a variety of project types – Priority 1, Priority 2, and elevated Priority 3) continue to increase yearly as OAMLRL addresses more projects (Figure 12). Unfunded AML liabilities (problem areas which are inventoried sites that require reclamation) continue to heavily outweigh completed projects which abate these liabilities. An increase in AML funding occurred after 2007, due to the 2006 reauthorization. Over the past several years, a decrease in fee-based grant funding occurred, largely the result of a federally required sequestration, less income into the State share of the AML fund because of reduced mining, and the decline of coal sales due to the significant drop in the coal market. However, with the passage of the IIJA, the OAMLRL now has the funding to abate an increased number of unreclaimed AML sites.

The OAMLRL continues to complete AML projects. Over the past EY, OAMLRL issued construction contracts for 12 non-water projects and two water projects. As shown on the graph in Figure 12, AML project completion totals increased from \$771,604,858.69 last EY to \$776,394,327 in EY 2024. Below is a summary of the current West Virginia AML inventory costs as reflected in e-AMLIS. The detailed AML tables attached to this report provide an in-depth look at the State AML inventory and the status of the State's reclamation accomplishments. West Virginia continues to perform e-AMLIS updates, with additions to the AML inventory increasing the unfunded liability within the state. These e-AMLIS updates provide an accurate picture of the State's known AML reclamation liabilities.

Unfunded OAMLRL Liability Status (AML Problems Requiring Reclamation)	\$2,016,280,502
Funded OAMLRL Liability Status (Current AML Projects under, or proposed for, reclamation)	\$49,461,063
Completed OAMLRL Liability Status (Completed AML Projects)	\$776,394,327

Figure 13: West Virginia Inventory Summary (as currently reported in e-AMLIS)

Noteworthy Accomplishments

Overall Performance

The WVDEP's major AML accomplishments and innovations for EY 2024 include:

- Reclamation of 52.75 GPRA acres on 25 completed AML projects
- EY 2024 projects consisted of reclamation of subsidence, public water human consumption, portals, dangerous slides, refuse fires, mine fires, dangerous impoundments, vertical openings, and water problems. Reclamation reduced potential exposure to 15,305 as provided from Table 4
- Investigation of 346 AML-related complaints
- Completion of 978 AML project inspections
- Review of 37 applications for potential funding under the AMLER Program. During EY 2024, an additional \$29,347,333 was awarded to West Virginia for reclamation and economic development at AML sites
- During EY 2024, the OAMLRL continued monthly project meetings via Teams conferencing with CHFO to discuss the progress, and any issues, related to any of the activities within the AML program. These meetings are beneficial to CHFO and OAMLRL and will continue

AMD Set-Aside Projects

West Virginia currently has over 500 streams, with a combined length of approximately 2,700 miles, that are impaired due to AMD from pre-law mining.

During FY 2024, OAMLRL placed \$4,399,778 of its eligible AML fee-based grant funding into the AMD set-aside program. As passed, the IIJA grant awarded to the OAMLRL did not allow for funding to be placed into the set-aside subaccount. However, since the time of the original IIJA implementation, Congress passed the “Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act” or “STREAM” with allows for the placement of 30 percent of IIJA funding into the set-aside subaccount for the treatment of acid mine drainage. The STREAM Act also allows the 30 percent set-aside to fund mine subsidence abatement and coal mine fire abatement projects. As outlined earlier in this report, OAMLRL is completing major updates to e-AMLIS to properly inventory and plan for major AML abatement projects utilizing the IIJA AML funding, as well as to plan for the use of this major boost in the State’s set-aside account. To date, OAMLRL has not directed any of its two awarded IIJA grants into the STREAM account. The CHFO encourages OAMLRL to make every attempt to add funding to this account on an annual basis due to the significant need in West Virginia for cleaning up AMD impacted streams, and to provide future funding for allowable projects.

Figure 13 outlines the annual accomplishments by OAMLRL utilizing its set-aside funding. However, AER AML Table 4 (EY 2024 Completed Projects) does not include most of this data since the expenditures of this funding is a project maintenance type requirement to continue to treat AMD impacted streams at several of the established water treatment facilities.

Project Name	GPRA Acres Reclaimed	Number of People with Reduced Exposure	EY 2024 Expenditures
Abram Creek AMD Treatment	14,633	53	\$9,285.00
Flatbush Limestone Sand	6,350	75	\$31,118.68
Laurel Run Mine Shaft, aka Crellin doser	250	110	\$22,404.30
Middle Fork Limestone Sand Treatment	12,096	155	\$97,740.35
Three Forks Creek Watershed Restoration	82,085	223	\$118,468.80
Total	115,414	616	\$279,017.13

Figure 14: AMD Treatment Projects in Which e-AMLIS Indicates Set-Aside Funding Spent During EY 2024

OAMLRL continues to utilize a funding mechanism to accrue interest on the AMD abatement and treatment fund. Leaving the principal amount in the fund, the OAMLRL uses only the accrued interest to fund the annual operation and maintenance costs associated with its AMD treatment facilities. Under this investment strategy, most funds have been included in the State of West Virginia’s Investment Management Board (IMB) financial investment pool. The State of West Virginia allows investments in money market and short-term bond accounts. These types of investments normally provided a minimal yearly return rate, often less than one

percent annually. This investment mechanism allows the AMD set-aside funding to grow at a more substantial rate. However, since this investment strategy is subject to overall market activity, the fund is subject to both positive and negative market conditions.

Utilization of OSMRE Assistance

Grants

The WVDEP's AML grant cycle begins on January 1 of each calendar year. During EY 2024, OAMLRL received three grants provided through OSMRE: FY 2024 fee-based grant for \$15,308,392, the FY 2023 IJA grant for \$140,683,878 and the FY 2023 AMLER grant for \$29,347,333. Appendix 2, Table 7, titled West Virginia AML Program Grant Awards and Staffing, reports grants awarded by OSMRE for AML Program administration and construction.

NEPA Reviews

During EY 2024, OSMRE provided assistance to WVDEP and consultants regarding NEPA documents and procedures, which included draft reviews and comments for 47 environmental assessments and categorical exclusion documents.

Agency Coordination

U.S. Fish and Wildlife Service Programmatic Agreement

During EY 2024, OSMRE, WVDEP, and FWS continued to coordinate to improve consultation processes with regard to threatened and endangered species and development of a programmatic agreement. This agreement is to allow AML to conduct project activities without prior notification to the FWS for specific actions the agencies agree would have no effect on federally listed species or critical habitats. OSMRE will continue these discussions with FWS the upcoming EY.

A coordination hurdle was eliminated with full implementation and use of the FWS online consulting tool, *"Information for Planning and Consultation"* or IPaC. This tool allows the users to input site specific project information and evaluate potential impacts on resources. Consultation with the FWS can now be completed quickly online for "no effect" and "may affect, not likely to adversely affect" determinations.

Another significant milestone accomplished this EY was the designation of the OAMLRL as a "federal representative" per 50 CFR §402.08. This allows the OAMLRL to fully complete the consultation process for the above referenced determinations, without final concurrence by OSMRE.

U.S. Army Corp of Engineers (USACE) Regional General Permit (RGP)

Over the past EY, a new RGP was approved by the USACE and is now available for use by the OAMLRL for specific project activities impacting waters of the U.S. The RGP expires November 28, 2028.

Technical Assistance to the WVDEP

OSMRE provides resources for technical assistance, training, and technology development related to coal production and environmental protection. These activities support and enhance the technical skills that States and Tribes need to effectively operate their regulatory and reclamation programs. This EY, at the request of the WVDEP, CHFO provided AML specific technical assistance for the following:

- Wilderness Public Service District Sugar Grove Waterline Extension- Eligibility determination for a waterline extension to a residence

- Amherstdale-Adkins complaint- Abandoned mine related impact to a residence
- Granville (Buzzo) Drainage- Possible comingling of pre and post SMCRA mine drainage
- Richard Mine Drainage- Analysis of the effluent of a newly completed AMD treatment facility to determine proper operating procedures to meet discharge compliance
- Sardis Mine Gas- Possible mine gas within a residence
- Brandywine (Hall) Vertical Opening- Downhole camera use to determine depth, construction, and inflow sources into an abandoned drop inlet in a pre-SMCRA fill area

Technical Training

The OSMRE conducts classroom-style courses throughout the year in the latest technology related to active and abandoned mine regulations. OSMRE, as a direct result of the COVID-19 Pandemic, made many of these courses available through online training. Those courses not conducive to an online platform were frequently cancelled. Administration of courses is through OSMRE's NTTP and the TIPS programs. During EY 2024, OAMLRL had 13 employees participate in NTTP classes and 2 employees participated in TIPS classes.

Public Participation and Outreach Efforts

The OSMRE's Directive AML-22 establishes policies, procedures, and responsibilities for monitoring, assisting, and evaluation of State and Tribal AML Programs. The OSMRE's monitoring or oversight serves to provide information, assistance, and feedback to States or Tribes, OSMRE, and the public to ensure the purposes and goals of the AML Program are being responsibly, efficiently, and effectively met.

The OSMRE's website, located at www.osmre.gov, contains information for public use concerning SMCRA and OSMRE's mission. There are also links to WVDEP's website where the public can find more specific information on mining in West Virginia and WVDEP's Regulatory and AML Programs.

To increase the level of transparency regarding oversight activities and the public, OSMRE posts documents for each state program on its Oversight Database (ODOcs). The ODOcs contains documents in accordance with OSMRE Directive AML-22. The public can utilize the ODOcs built-in search to view documents covering the various aspects of OSMRE's assessment of the West Virginia Program.

During EY 2024, OSMRE and WVDEP began implementation their new 2024/2025 two-year Performance Agreement. The mandated Performance Agreement directs activities between the two organizations throughout the EY. The OSMRE routinely and periodically interacts with WVDEP and local coal associations, citizens, environmental organizations, and other groups to determine areas of concern and receive suggestions relative to AML reclamation, as well as to provide timely information about OSMRE activities that may interest such groups. The OSMRE conducts an outreach program within the West Virginia Coalfields to solicit comments from the public and interested parties regarding the AML review process, recommendations for additional program element topics for the EY, and suggestions for improvements of future annual AML evaluation reports. The following elements are included in OSMRE's outreach effort:

- Announcement of the opportunity to provide comments, views, or suggestions prior to the development of the Performance Agreement

- Announcement of the opportunity to provide comments on the proposed Performance Agreement after its development
- The OSMRE acknowledgment of receipt and appreciation for public input received
- Posting of the proposed and final Performance Agreement on OSMRE's website

Public input is considered in determining where OSMRE will focus its resources and what aspects of the State AML Program will be reviewed. Notices are also sent to interested stakeholders, including citizens, industry, and environmental groups through our public involvement process. The OSMRE received multiple AML evaluation topic suggestions for the 2024/2025 agreement and incorporated one of the suggested topics in the final document.

During the EY 2024 evaluation year, Charleston Field Office attended five educational outreach events including:

- DEP Earth Day Outreach Event, Charleston, WV
April 23, 2024
- Arbor Day Event, Charleston, WV
April 26, 2024

The WVDEP public outreach process includes release of public notices and requests for comments on proposed AML reclamation projects on various media platforms, including newspapers of general circulation in project areas, and the WVDEP internet.

Results of Evaluation Year 2024 Reviews

During EY 2024, the following program areas were reviewed for their success towards the overall goal of AML reclamation.

Regular AML Construction Program

During EY 2024, OAMLR issued construction contracts for 12 non-water construction projects and, according to e-AMLIS, entered reclamation completion data for 4 projects.

As part of their water supply restoration program, the OAMLR, whether entirely or in partnership with another entity, requested authorization to proceed for three water supply projects during EY 2024. See Figure 16 below for more information.



Figure 15: Hazardous Facility @ Blue Knob Complex WV-002063

Water Supply Project Name	OAMLRFunding Amount	Number of Households Served
Dennison Run/McAvoy Run Waterline	\$1,300,000 (IIJA)	7
Town of Coalton Water Plant Replacement	\$3,000,000 (AMLR)	109
South Sand Branch Waterline	\$1,111,500 (IIJA)	25
Total	\$5,411,500	141

Figure 16: AML Funded Waterlines for EY 2024



Figure 17: Waterline Construction



Figure 18: Waterline Construction

EY	Authorizations to Proceed	Completed Designs	Construction Contracts Issued
EY 2024	16	29	12
EY 2023	5	38	39
EY 2022	37	37	39
EY 2021	11	21	22
EY 2020	14	2	13
EY 2019	28	9	17
EY 2018	24	15	17
EY 2017	22	26	33
EY 2016	21	24	13
EY 2015	16	27	17
EY 2014	22	28	29

EY	Authorizations to Proceed	Completed Designs	Construction Contracts Issued
EY 2013	42	39	28
Total	258	295	279
Average	21.5	24.6	23.25

Figure 19: Authorizations to Proceed by evaluation year. Projects often span multiple years.

The actual accomplishments of the on-ground reclamation are accessible in e-AMLIS. The e-AMLIS provides the units of problem areas reclaimed for all work completed and is publicly available on the OSMRE website. The AML tables at the end of this report also provide specific information concerning the actual accomplishments

Emergency Program

During EY 2024, OAMLRL's program investigated 346 citizen's complaints, resulting in the declaration of 25 emergencies. Once initiated, most projects reached completion within days or weeks of the Authorization-to-Proceed (ATP). The larger projects, such as landslide abatement projects, required a longer performance period to address the emergency aspects of the project.

Evaluation Year	Complaints Investigated	Emergency Declarations Issued
EY 2024	346	25
EY 2023	337	29
EY 2022	390	28
EY 2021	613	22
EY 2020	534	30
EY 2019	461	45
EY 2018	353	26
EY 2017	280	31
EY 2016	281	21
EY 2015	278	28
EY 2014	249	33
EY 2013	213	22

Figure 20: Complaints Investigated and Emergency declarations issued by evaluation year.



Figure 21: Bolair (Mace) Burning Refuse (before)



Figure 22: Bolair (Mace) Burning Refuse (after)

OAMLRL Project Oversight by CHFO

The OSMRE's March 28, 2013, Directive AML-22, Evaluation of State and Tribal Abandoned Mine Land Programs provides recommendations for the policies and procedures used to monitor, assist, and evaluate AML programs. More specifically, the Directive references AML site visits as being an integral part of OSMRE's oversight responsibility. The goal of the policy is to: ensure the development of environmental documents for AML projects are in accordance with NEPA, assist with performing topic-specific evaluations, and ensure statutory requirements for oversight are met. During this EY, CHFO conducted oversight inspections of OAMLRL reclamation projects in various stages of construction, including 83 site visits on a total of 50 projects, including abandoned mine land reclamation projects, AML Enhancement projects, and AMLER projects. The CHFO completed oversights during the pre-bid, construction, post-construction, and the completion phases of the projects.

AML Project Oversight

The AML emergency and non-emergency sites listed below received CHFO oversight visits this EY. Numbers in parentheses indicate multiple oversight visits to that project.

1. Accoville (Compton) Structures and Portal (2)
2. Wilkinson (Vance) Portal (4)
3. Tralee Mine Dump and Drainage
4. Wolverine Road (Shumate) Subsidence
5. Bolair (Mace) Burning Refuse (2)
6. Accoville (Compton) Structures and Portal (2)
7. Belcher Hollow UMF
8. Buffalo Trail (Woody) UMF (2)
9. Buffalo Trail (Hanover) UMF (2)

10. Carlisle Vertical Opening Ph II (2)
11. Crimson Lane (Ellis) Burning Refuse
12. Belcher Hollow Underground Mine Fire (2)
13. Pardee (Taylor) Landslide (3)
14. Venus (Hamilton) Drainage
15. Switzer (Johnson) Drainage (2)
16. Nutter Fort AMD Stormwater Phase 1
17. Fairmont (Sally Fields Estates) Subsidence

Overall, CHFO found few issues with the construction activities and the overall contract requirements of these projects. The CHFO continues to emphasize the adherence to the project plans and specifications when completing all AML funded projects.

AMLER Project Oversight

OAMLRL currently has funded 66 AMLER projects through eight grants. To date, CHFO has issued 43 ATPs to the OAMLRL to initiate construction on these AMLER projects. During the 2024 EY, CHFO completed 45 oversight visits on the AMLER projects listed below. Numbers in parentheses indicate multiple oversight visits to that project.

1. Clear Fork Rail Trail (6)
2. White Oak Waterline Extension
3. 106 Grace Chapel Road Remediation and Development
4. Reclaiming the Cheat River as an Economic Asset through Trail Enhancement (RECREATE)
5. Leon Street Slip Remediation (2)
6. Mylan Park KOA (4)
7. Ashland Resort Park Tourism Development
8. ATV Trailcamp at Coaldale
9. Mountain State Broadband Expressway (2)
10. Appalachian Aquatic Conservation Center (2)
11. Town of Coalton Waterline Extension
12. A.S. Holdings
13. Lavender Farm and Regional Community Center
14. WV Elk Restoration Project Ph I (5)
15. WV Elk Restoration Project Ph II (5)
16. Rhodell Water System Replacement

17. Cinderella Adventure Resort
18. Indian Creek ATV Resort (2)
19. Middletown Commons
20. MCPARC Recreational and Wellness Complex
21. Stonewood I-79 Development
22. Fleming – as an Old Mining Town to Rustic Ravines
23. Patriot Gardens Apple Production Facility
24. Rising Estates Trail Lodging Project
25. Twin Hollow Campgrounds & Cabins Expansion



*Figure 23: Completed trailhead- Clearfork Rail Trail
AMLER*

There were no reportable issues found during these CHFO oversights. However, during the upcoming EY, CHFO anticipates that most of the AMLER projects vetted to date will be in some phase of construction.

AML Enhancement Project Oversight:

This EY, CHFO completed seven oversight visits on two AML Enhancement projects, also known as No-cost Reclamation Projects. Numbers in parentheses indicate multiple oversight visits to that project.

- Gooney Otter AML Enhancement (6)
- Holy Smoke Ethel Hollow Enhancement

CHFO continues to focus a portion of our oversight efforts on AML Enhancement projects due to the culmination of the OAMLR Enhancement and 3.14 Oversight Study (completed in EY 2018). Currently, there is one active project being completed, and no additional proposed AML Enhancement projects under consideration by OAMLR, at this time.

The OAMLR continues to address several issues which were outlined in the EY 2018 AML Enhancement and 3.14 Study. This EY, OAMLR initiated an additional condition to the AML Enhancement process that requires an applicant to obtain a “Notice of Intent to Prospect” from the WVDEP’s DMR as an initial step in the AML Enhancement process. This new requirement provides the OAMLR and the applicant with surface and subsurface information pertaining to the characteristics of the subject refuse area, which aids all parties in a sound, economic determination of the feasibility of the project. CHFO will monitor the effectiveness of this revised process during the upcoming EY, as well as report on other issues pertaining to the enhancement program.

Culverted Bat Gate Oversight Study

During EY 2021, CHFO completed its oversight study to evaluate the WVDEP’s success as it pertains to the installation of culverted-type bat access gates, as part of Title IV reclamation projects, in accordance with SMCRA (Public Law 95-87), the ESA (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.), and the 2013 Programmatic Agreement between the FWS and OSMRE CHFO. See the West Virginia 2021 AER for the results

of the study. As a result of this study, the CHFO AmeriCorps completed a GIS based inventory of bat gates installed at AML sites. This inventory has been provided to OAMLRL, which continues to utilize the data and input new information as additional bat gates are installed at AML sites.

As a result of this study and communication with the FWS and the WVDNR, CHFO has recommended OAMLRL discontinue its routine assumption of presence and associated reliance on culverted bat gate installation, for a more portal specific assessment of bat suitability and corresponding analysis of reclamation method alternatives. CHFO, FWS, and WVDNR have advocated, and continue to advocate, for the completion of more bat habitat and presence surveys at portal locations to better inform the selection of appropriate reclamation methods in a situation specific manner.

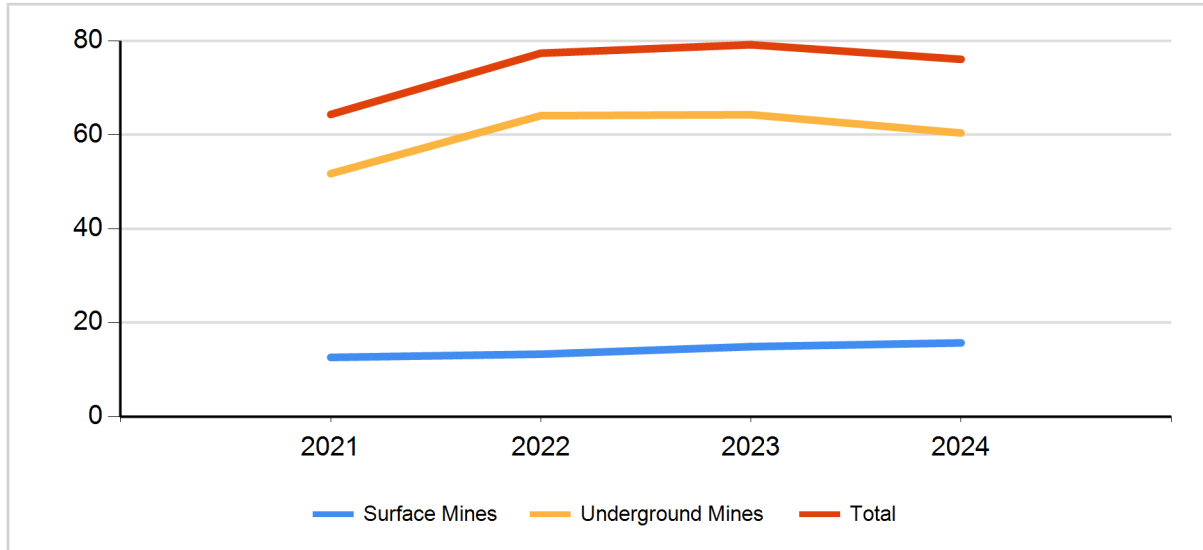
Appendix 1 Summary of Core Data to Characterize the Regulatory Program

The following tables present summary data pertinent to mining operations and regulatory activities under the West Virginia Regulatory Program. Unless otherwise specified, the reporting period for the data contained in the tables is the EY. Other data and information used by OSMRE in its evaluation of West Virginia's performance is available for review in the evaluation file maintained by OSMRE in Charleston, WV.

Because of the enormous variations from state-to-state and tribe to tribe in the number, size and type of coal mining operations and the differences between State and Tribal Programs, the summary data should not be used to compare one State or Tribe to another.

Table 1	Coal Produced for Sale, Transfer, or Use
Table 2	Permanent Program Permits, Initial Program Sites, Inspectable Units and Exploration
Table 3	Permits Allowing Special Categories of Mining
Table 4	Permitting Activity
Table 5	Off-Site Impacts
Table 6	Surface Coal Mining and Reclamation Activity
Table 7	Bond Forfeiture Activity
Table 8	Regulatory and AML Programs Staffing
Table 9	Funds Granted to State or Tribe by OSMRE
Table 10	West Virginia Inspection Activity
Table 11	West Virginia Enforcement Activity
Table 12	Lands Unsuitable Activity
Table 13	OSMRE Oversight Activity
Table 14	Status of Action Plans
Table 15	Land Use Acreage

TABLE 1
COAL PRODUCED FOR SALE, TRANSFER, OR USE
DURING THE CALENDAR YEAR
(Millions of short tons)



COAL PRODUCED FOR SALE, TRANSFER, OR USE ^A
(Millions of short tons)

Calendar Year	Surface Mines	Underground Mines	Total
2020	12.610	51.740	64.350
2021	13.300	64.100	77.400
2022	14.900	64.300	79.200
2023	15.700	60.400	76.100

^A Coal production is the gross tonnage (short tons) and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported by each mining company to OSM during the following quarter on line 8(a) of form OSM-1, "Coal Reclamation Fee Report." Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by other sources due to varying methods of determining and reporting coal production.

TABLE 3

PERMITS ALLOWING SPECIAL CATEGORIES OF MINING			
Special Category of Mining	30 CFR Citation Defining Permits Allowing Special Mining Practices	Numbers of Permits	
		Issued During EY	Total Active and Inactive Permits
Experimental Practice	785.13(d)	0	0
Mountaintop Removal Mining	785.14(c)(5)	0	158
Steep Slope Mining	785.15(c)	0	135
AOC Variances for Steep Slope Mining	785.16(b)(2)	0	33
Prime Farmlands Historically Used for Cropland	785.17(e)	0	1
Contemporaneous Reclamation Variances	785.18(c)(9)	1	190
Mining on or Adjacent to Alluvial Valley Floors	785.19(e)(2)	0	0
Auger Mining	785.20(c)	5	284
Coal Preparation Plants Not Located at a Mine Site	785.21(c)	0	0
In-Situ Processing	785.22(c)	0	0
Remining	773.15(m) and 785.25	0	0
Activities in or Within 100 Feet of a Perennial or Intermittent Stream	780.28(d) and/or (e) 784.28(d) and/or (e)	6	931

CHART 3A HISTORICAL TRENDS
PERMITS ALLOWING SPECIAL CATEGORIES OF MINING

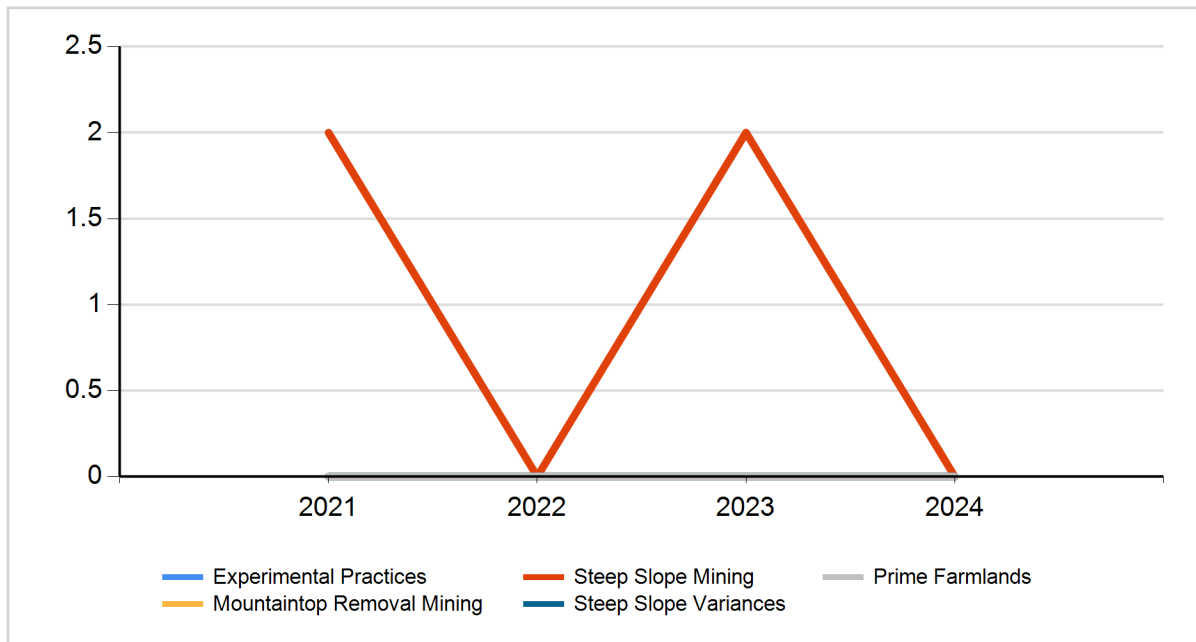


TABLE 3A

NUMBER OF PERMITS ISSUED AND REVISIONS APPROVED					
Year	Experimental Practices	Mountaintop Removal Mining	Steep Slope Mining	Steep Slope Variances	Prime Farlands
2021	0	0	2	0	0
2022	0	0	0	0	0
2023	0	0	2	0	0
2024	0	0	0	0	0

**CHART 3B HISTORICAL TRENDS
PERMITS ALLOWING SPECIAL CATEGORIES OF MINING**

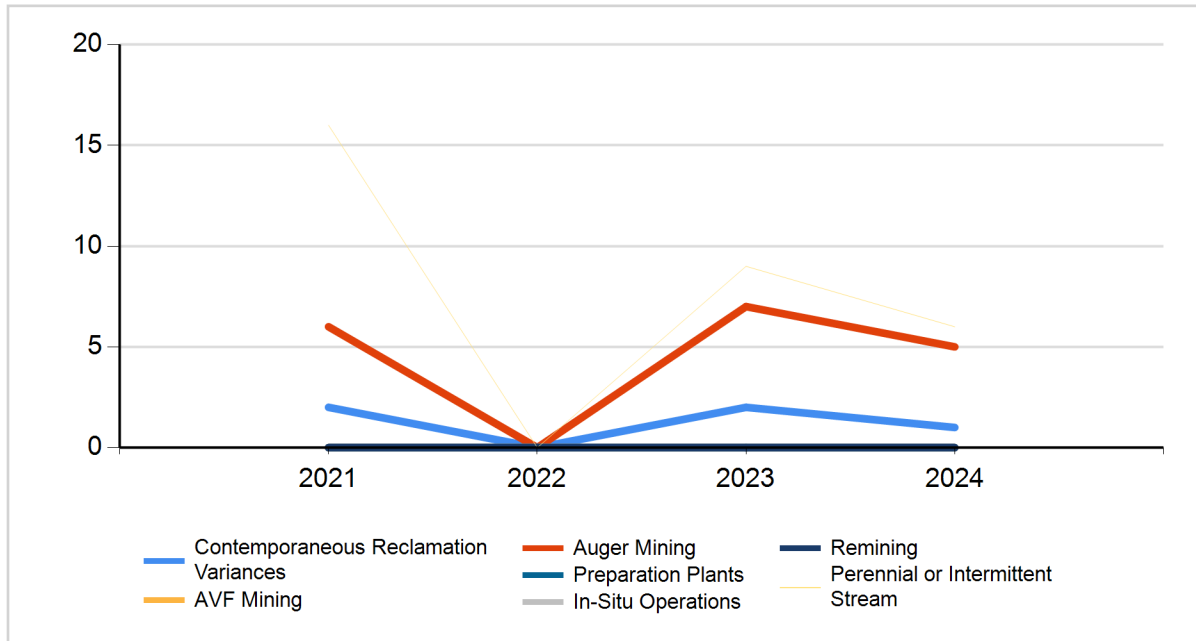


TABLE 3B

NUMBER OF PERMITS ISSUED AND REVISIONS APPROVED							
Year	Contemporaneous Reclamation Variances	AVF Mining	Auger Mining	Preparation Plants Not at Mine Site	In-Situ Operations	Remining	Perennial/ Intermittent Streams
2021	2	0	6	0	0	0	16
2022	0	0	0	0	0	0	0
2023	2	0	7	0	0	0	9
2024	1	0	5	0	0	0	6

PERMITTING ACTIVITY

Permits terminated for failure to initiate operations:	Number:	0	Acres:	0.0
Acres of Phase III bond releases (Areas no longer considered to be disturbed):			Acres:	4,072.0
Permits in temporary cessation	Notices received:	60	Terminations:	0
Midterm permit reviews completed	Number:	193		
¹ Includes only the number of acres of proposed surface disturbance				
² State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.				

TABLE 5
(Continued)

TOTAL OFF-SITE IMPACTS INCLUDING BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
Blasting	2	0	0	0	1	1	0	0	0	0	0	0	0
Land Stability	53	2	3	0	8	21	11	2	1	3	0	2	0
Hydrology	100	1	1	6	0	2	0	12	52	26	0	0	0
Encroachment	6	0	1	0	0	3	2	0	0	0	0	0	0
Other	46	2	18	4	7	13	0	1	1	0	0	0	0
Total	207	5	23	10	16	40	13	15	54	29	0	2	0
Total Number of Inspectable Units ⁵ : 2004 Inspectable Units with one or more off-site impacts: 112 Exploration Inspectable Units with one or more off-site impacts: 0 Inspectable Units free of off-site impacts: 1892 % of Inspectable Units free of off-site impacts ⁴ : 94													
⁴ % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units during the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.													
⁵ Total number of Inspectable Units is (1) the number of active and inactive Inspectable Units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year and (3) the number bond forfeiture sites that were reclaimed during the Evaluation Year and (4) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year.													

TABLE 6

SURFACE COAL MINING AND RECLAMATION ACTIVITY							
Areas of Phase I, II, and III Bond Releases During the Evaluation Year (EY)							
Phase I Releases	Phase II Releases		Phase III Releases			Total Acres Released During the EY	
Total Acres Released in Approved Phase I Releases	Total Acres Released in Approved Phase II Releases	Acres not previously released under Phase I	Total Acres Released in Approved Phase III Releases	Acres not previously released under Phase II	Acres not previously released under Phase I or II		
8,441		856			895	Phase I	10,192
	3,974			1,467		Phase II	5,441
			4,072			Phase III	4,072
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release During the Evaluation Year					36	Other Releases - Acres	
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year					0	Administrative Adjustments	862
Number of Inspectable Units Removed					36	Bond Forfeiture	370
Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations							

	Total Acres at Start of EY	Total Acres at End of EY	Change in Acres During EY
New Area Bonded for Disturbance			1,462
Total Area Bonded for Disturbance	341,880	338,363	(3,517)
Area Bonded for Disturbance without Phase I Bond Release	250,959	248,269	(2,690)
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved	27,062	21,381	(5,681)
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved	6,436	5,881	(555)
Area Bonded for Disturbance with Bonds Forfeited During Evaluation Year			45
Area Bonded for Remining	0	0	0
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations			
Disturbed Area	129,325	127,867	(1,458)

TABLE 7

BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
Bond Forfeiture and Reclamation Activity	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e. end of previous Evaluation Year) ¹	276		23,516
Sites with bonds forfeited and collected during the current Evaluation Year	4	137,450	45
Sites with bonds forfeited and collected that were re-permitted during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were reclaimed during the current Evaluation Year	3		370
Sites with bonds forfeited and collected that were un-reclaimed at the end of the current Evaluation Year ¹	277		23,191
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
Forfeiture Sites with Long-Term Water Pollution			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	23		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	151		
Surety/Other Reclamation Activity In Lieu of Forfeiture			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) ²	8		1,597
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	2		857
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year ³	2		857
Sites being reclaimed by surety/other party at the end of the current Evaluation Year ²	8		1,597
¹ Includes data only for those forfeiture sites not fully reclaimed. ² Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. ³ These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

**CHART 7A HISTORICAL TRENDS
NUMBER OF BOND FORFEITURE SITES**

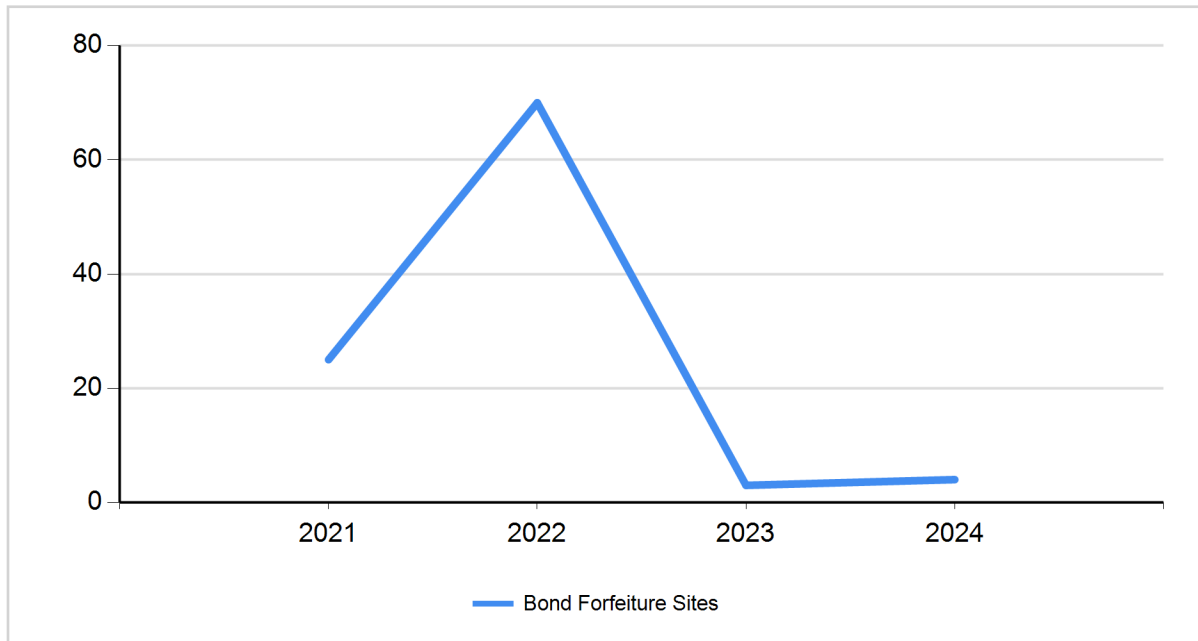


TABLE 7A

NUMBER OF BOND FORFEITURE SITES	
Year	Bond Forfeiture Sites
2021	25
2022	70
2023	3
2024	4

**CHART 7B HISTORICAL TRENDS
ACREAGE OF BOND FORFEITURE SITES**

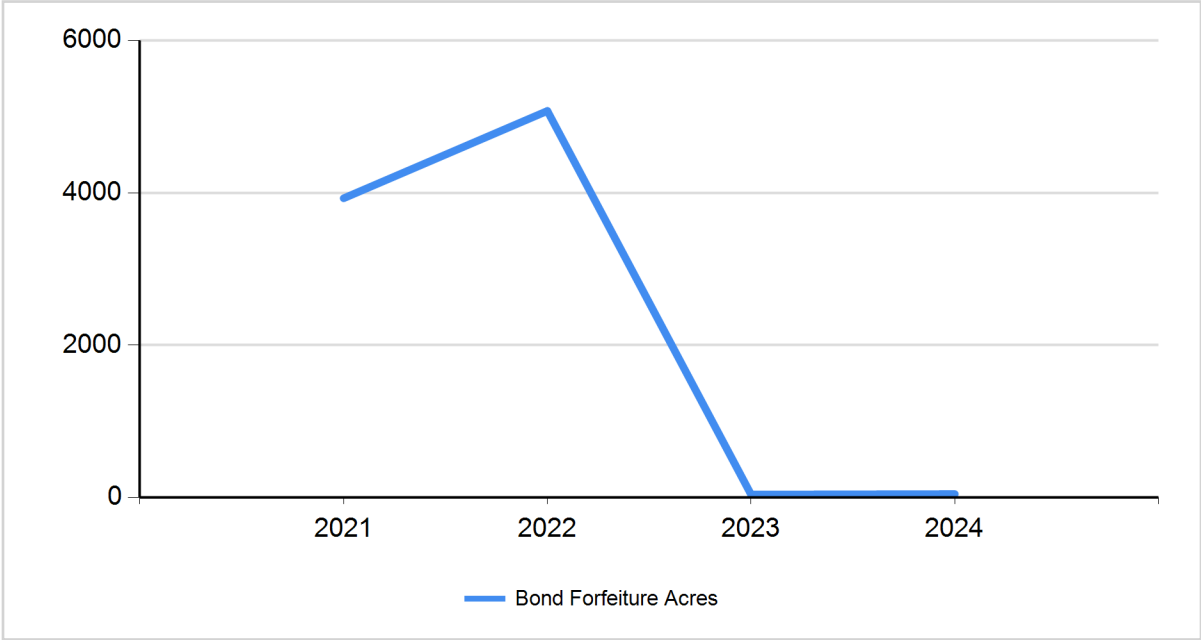


TABLE 7B

ACREAGE OF BOND FORFEITURE SITES	
Year	Acres
2021	3930
2022	5077
2023	38
2024	45

**CHART 7C HISTORICAL TRENDS
NUMBER OF SITES WITH WATER POLLUTION STILL
OCCURRING**

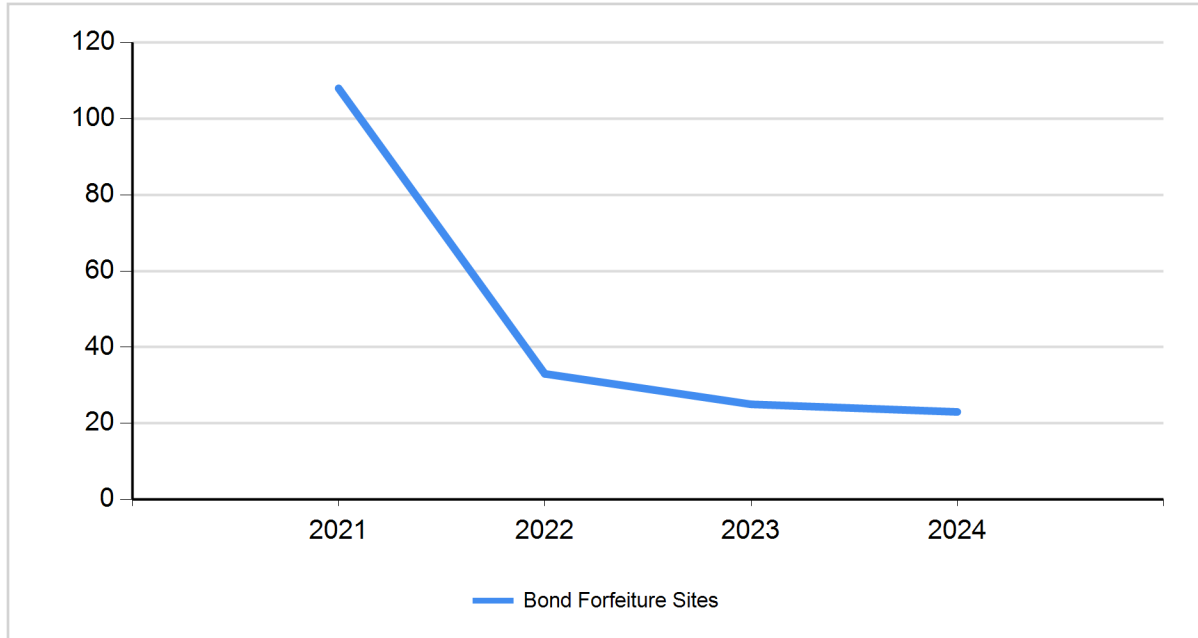


TABLE 7C

NUMBER OF SITES WITH WATER POLLUTION STILL OCCURRING	
Year	Sites
2021	108
2022	33
2023	25
2024	23

CHART 7D HISTORICAL TRENDS
NUMBER OF SITES WITH WATER TREATMENT ONGOING

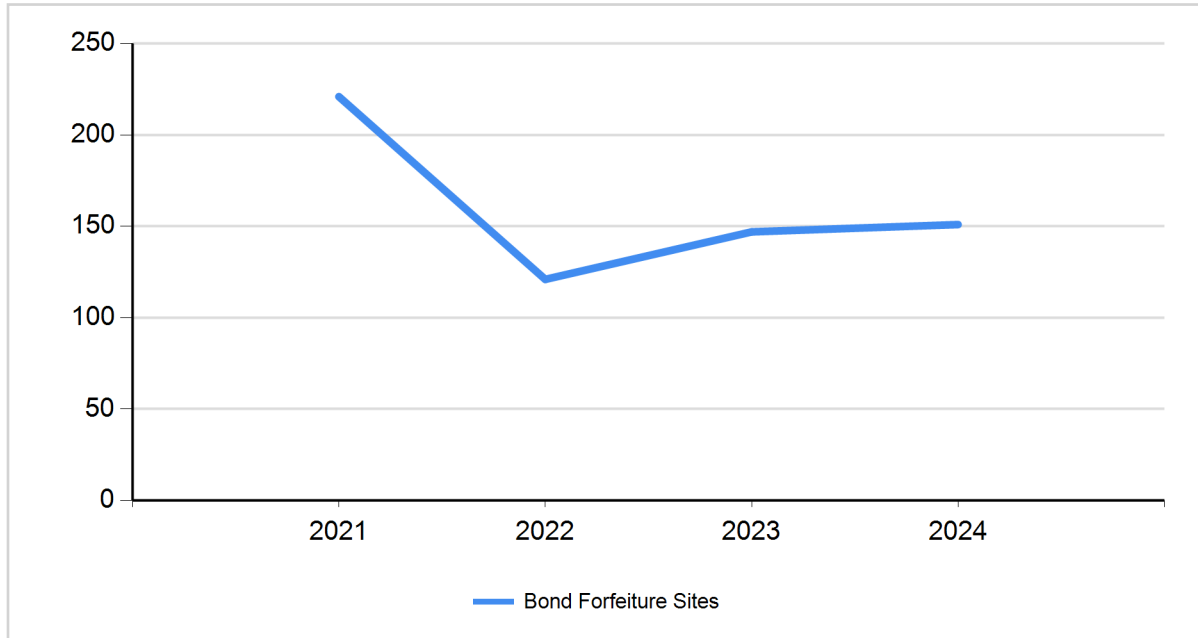


TABLE 7D

NUMBER OF SITES WITH WATER TREATMENT ONGOING	
Year	Sites
2021	221
2022	121
2023	147
2024	151

TABLE 8

REGULATORY AND AML PROGRAMS STAFFING	
Function	Number of FTEs
Regulatory Program	
Permit Review and Maintenance	54.00
Inspection	82.00
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	21.00
Regulatory Program Total	157.00
AML Program Total	67.00
TOTAL	224.00

**CHART 8A HISTORICAL TRENDS
REGULATORY AND AML PROGRAMS STAFFING**

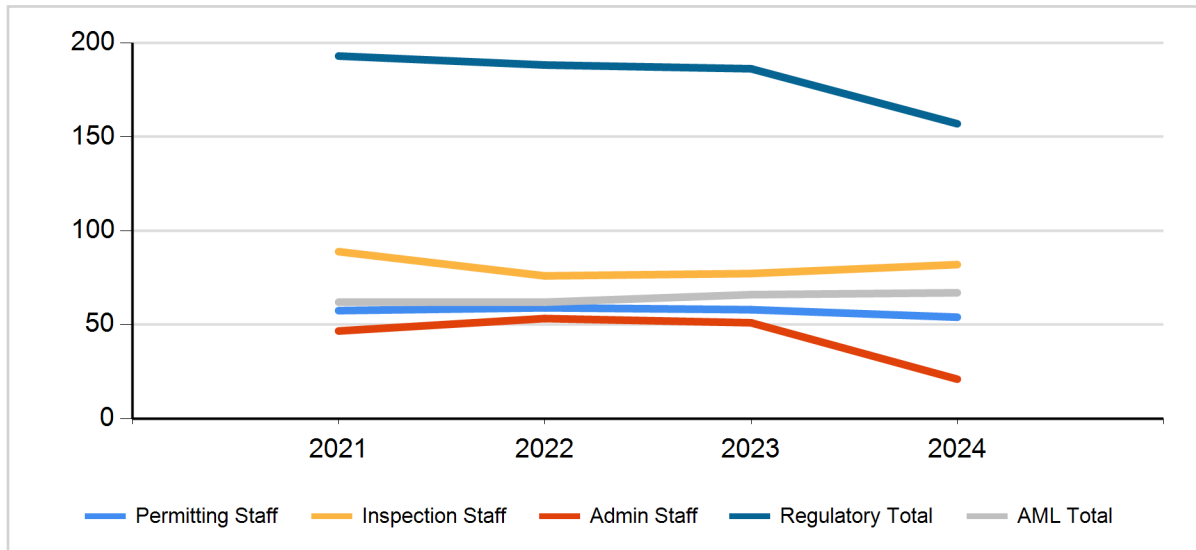


TABLE 8A

REGULATORY AND AML PROGRAMS STAFFING					
	Regulatory Program				
Year	Permitting	Inspection	Admin	Total	AML Program
2021	58	89	47	193	62
2022	59	76	53	188	62
2023	58	77	51	186	66
2024	54	82	21	157	67

TABLE 9

FUNDS GRANTED TO STATE OR TRIBE BY OSM (Actual Dollars Rounded to the Nearest Dollar)			
Type of Funding	Federal Funds Awarded	Total Program Cost	Federal Funds Awarded as a Percentage of Total Program Costs
Regulatory Funding			
Administration and Enforcement Grant	9,824,294		
Other Regulatory Funding, if applicable	0		
Subtotal (Regulatory Funding)	9,824,294	19,648,588	50
Small Operator Assistance Program Grant Funding	0	0	
Abandoned Mine Land Reclamation Funding	185,339,603	185,339,603	100
Watershed Cooperative Agreement Program	231,988	231,988	100
TOTAL	195,395,885		

**CHART 9A HISTORICAL TRENDS
FUNDS GRANTED TO STATE OR TRIBE BY OSM**

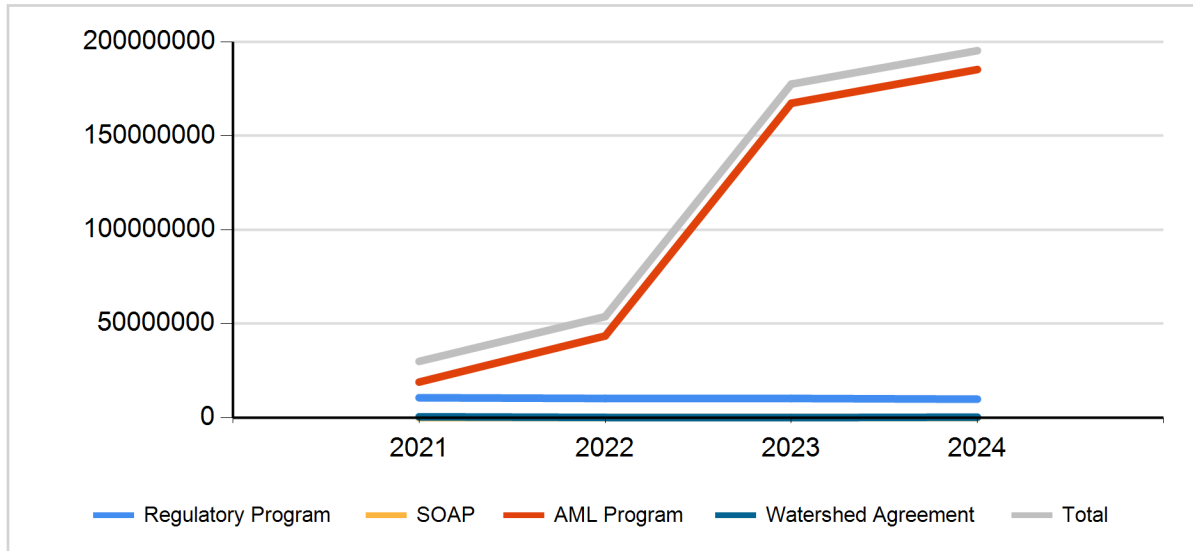


TABLE 9A

FUNDS GRANTED TO STATE OR TRIBE BY OSM				
Year	Regulatory Program	SOAP	AML Program	Total
2021	10,587,795	0	18,913,351	29,932,171
2022	10,199,272	0	43,480,441	53,779,713
2023	10,199,272	0	167,381,469	177,580,741
2024	9,824,294	0	185,339,603	195,395,885

TABLE 10

STATE INSPECTION ACTIVITY
INSPECTABLE UNITS FOR WHICH STATE MET REQUIRED INSPECTION FREQUENCY ON AN
INSPECTABLE UNIT-BY-INSPECTABLE UNIT BASIS ¹

Inspectable Units (IUs)	Total number of inspectable units ²	Number of inspections required annually		Number of inspections conducted		IUs Met Complete Inspection Frequency Requirement		IUs Met Partial Inspection Frequency Requirement		IUs Met Complete and Partial Inspection Frequency Requirements		
		Complete inspections	Partial inspections	Complete inspections	Partial inspections	Number	Percent	Number	Percent	Total number of IUs	Number that met inspection frequency	Percent
COAL MINES AND FACILITIES												
Active	1040	4160	8320	4173	9468	1035	100	1038	100	1040	1038	100
Inactive	558	2232	0	2285	688	558	100	558	100	558	558	100
Abandoned	233	233	0	237	2287	233	100	233	100	233	233	100
TOTALS ³	1831	6625	8320	6695	12443	1826	100	1829	100	1831	1829	100
Coal Exploration Activities ⁴		Complete Inspections						Partial Inspections				
Exploration sites with permits		0						0				
Exploration sites with notices		66						7				

¹ Calculated on a site-specific basis.

² Total number includes both permanent program permits and initial program sites.

³ OSM is assuming that all states have gone through the process described in 30 CFR 840.11(h) and 842.11(f) to reduce inspection frequency on abandoned/forfeited sites

⁴ Includes all valid notices and permits. No inspection frequency data are provided since SMCRA does not establish a minimum numerical inspection frequency for coal exploration activities.

⁵ NA - Not Available

TABLE 11

STATE OR TRIBAL ENFORCEMENT ACTIVITY		
Type of Enforcement Action	Number of Actions ¹	Number of Violations ¹
Notice of Violation	1,666	1,666
Failure-to-Abate Cessation Order	671	671
Imminent Harm Cessation Order	38	38
¹ Does not include actions and violations that were vacated.		

**CHART 11A HISTORICAL TRENDS
STATE OR TRIBAL ENFORCEMENT ACTIVITY**

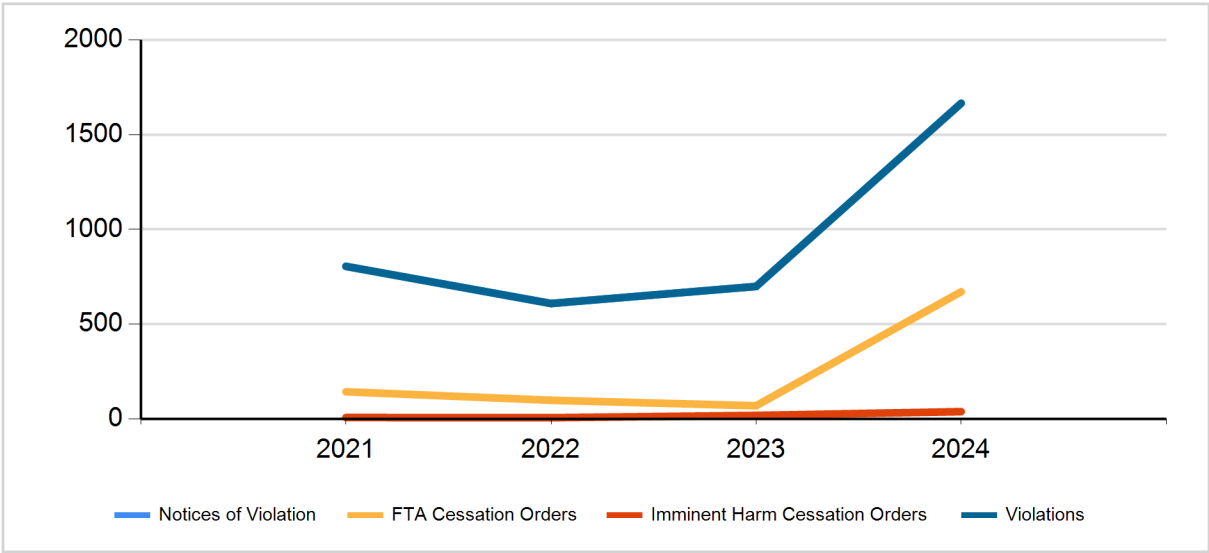


TABLE 11A

STATE OR TRIBAL ENFORCEMENT ACTIVITY				
Year	Notices of Violation	Violations	FTA Cessation Orders	Imminent Harm Cessation Orders
2021	805	805	143	7
2022	609	609	98	6
2023	699	699	69	18
2024	1666	1666	671	38

TABLE 12

LANDS UNSUITABLE ACTIVITY		
Activity	Number	Acres
Petitions Received	0	
Petitions Rejected	0	
Petitions Accepted	0	
Decisions Denying Petition	0	
Decisions Declaring Lands Unsuitable	0	0
Decisions Terminating Unsuitable Designations	0	0

TABLE 13

OSM OVERSIGHT ACTIVITY					
Oversight Inspections and Site Visits					
	Complete		Partial		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	79	0	177	13	269
	Technical Assistance		Other		Total
Site Visits	0		20		20
Violations Observed by OSM and Citizen Requests for Inspection¹					
Type of Action					Total number of each action
How many violations were observed by OSM on oversight inspections?					333
Of the violations observed, how many did OSM defer to State action during inspections?					222
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? ²					16
How many Ten-Day Notices did OSM Issue for observed violations? ³					4
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?					8
How many Notices of Violation did OSM issue?					0
How many Failure-to-Abate Cessation Orders did OSM issue?					0
How many Imminent Harm Cessation Orders did OSM issue?					2
OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
¹ This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. ² Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. ³ Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

**CHART 13A HISTORICAL TRENDS
OSM OVERSIGHT ACTIVITY**

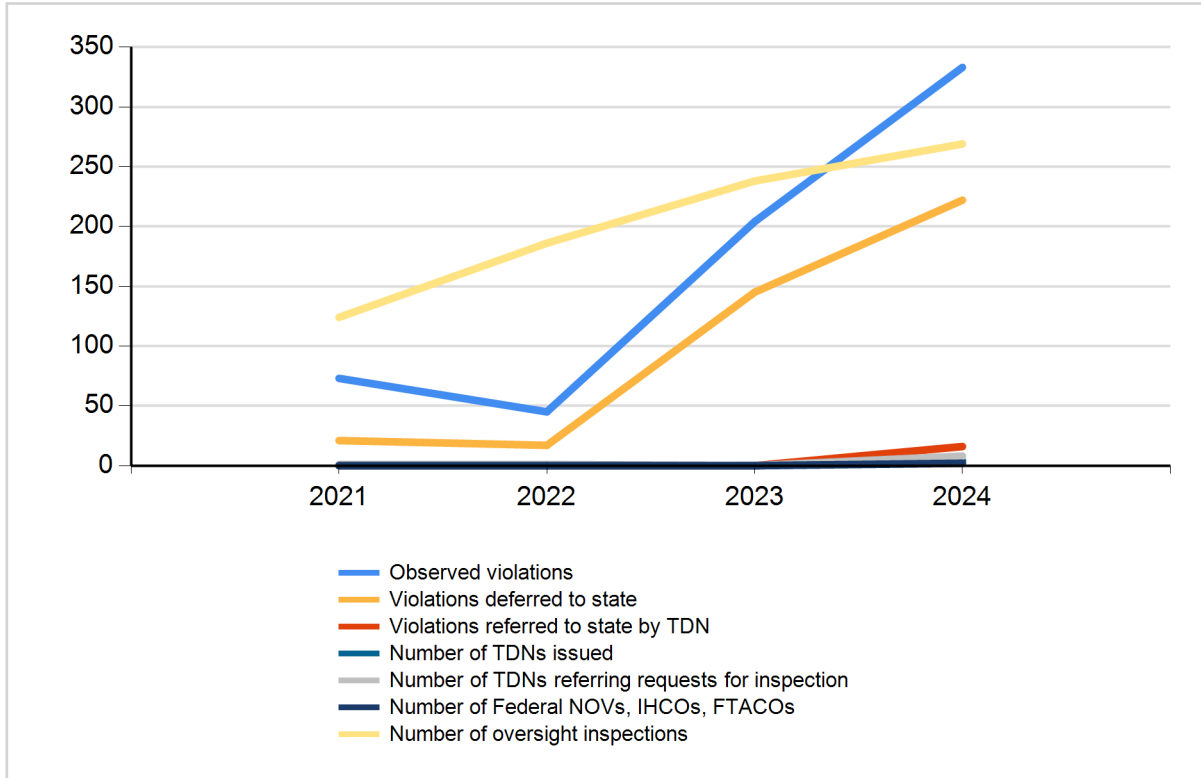


TABLE 13A

Year	Number of violations observed on OSM oversight inspections	Number of violations deferred to state action	Number of violations referred to state by TDN	Number of TDN's issued	Number of TDN's issued to refer requests for inspection	Number of Federal NOV, IHCOs, FTACOs, & issued	Number of oversight inspections
2021	73	21	0	0	1	0	124
2022	45	17	0	0	1	0	186
2023	204	145	0	0	0	0	238
2024	333	222	16	4	8	2	269

STATUS OF ACTION PLANS

¹ Problem Type: "PA" indicates a required Program change under subchapter T or 732
"RP" indicates a Regulatory Program implementation or administrative problem

TABLE 15
(Optional)

POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED (Phase III bond release or termination of jurisdiction under the Initial Program)	
Land Use¹	Acres Released
Cropland	0.00
Pasture/Hayland	135.56
Grazingland	7.55
Forestry	1,390.51
Residential	0.00
Industrial/Commercial	180.00
Recreation	863.90
Fish & Wildlife Habitat	987.31
Developed Water Resources	0.00
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Sub-Total Other	0.00
Total	3,564.83
¹ Land uses as defined in 30 CFR 701.5 or "Other" as defined under the state or tribal program	

CHART 15A HISTORICAL TRENDS
POST MINING LAND USE ACREAGES

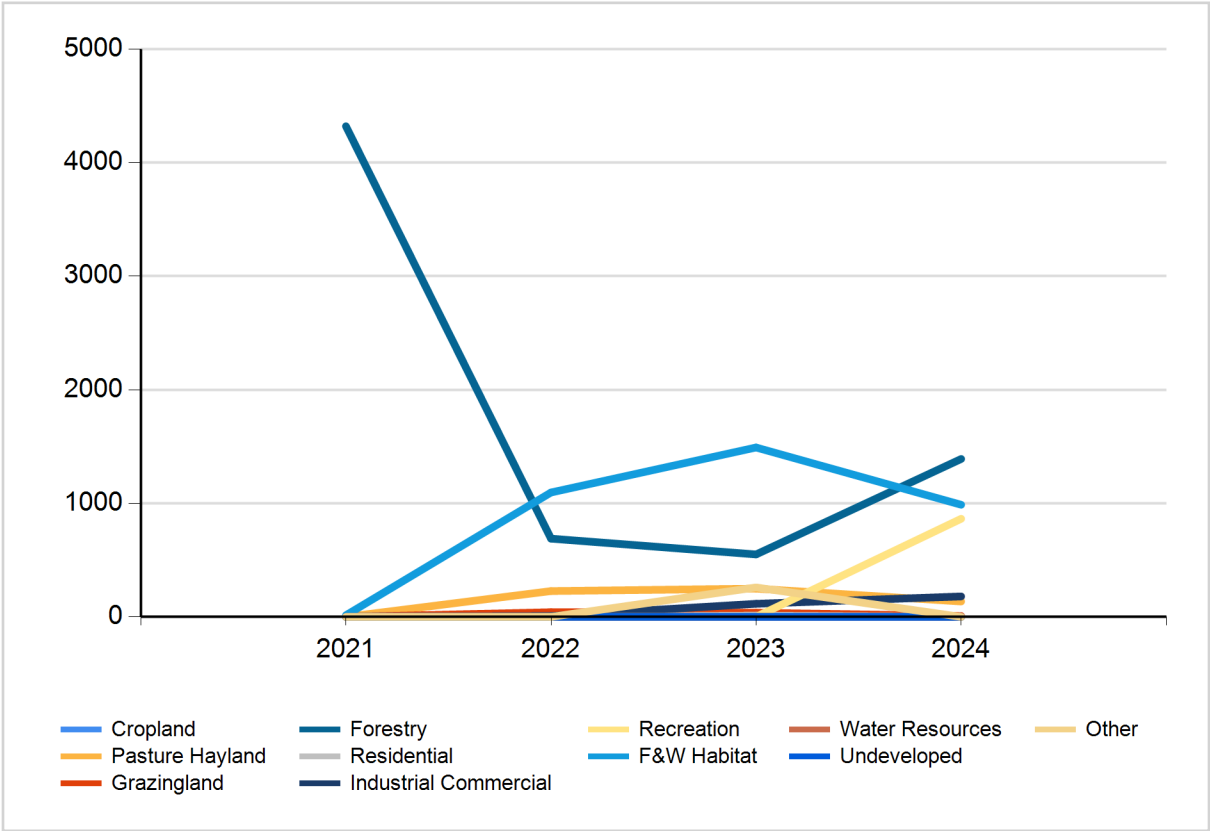


TABLE 15A

POST MINING LAND USE ACREAGES											
Year	Cropland	Pasture Hay	Grazing Land	Forest	Resi- dential	Industrial Comm.	Rec- reation	F&W Hab.	Water Re- sources	Un- developed	Other
2021	0	0	0	4320	0	0	0	15	0	0	0
2022	0	227	41	689	0	7	0	1095	0	0	0
2023	0	249	37	550	12	115	0	1492	0	0	259
2024	0	136	8	1391	0	180	864	987	0	0	0

Appendix 2 Summary of Core Data to Characterize the AML Program

The following tables present summary data pertinent to mining operations and regulatory activities under the West Virginia regulatory program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSMRE in its evaluation of West Virginia's performance is available for review in the evaluation file maintained by OSMRE office in Charleston, WV.

Because of the enormous variations from state-to-state and tribe to tribe in the number, size and type of coal mining operations and the differences between State and Tribal Programs, the summary data should not be used to compare one State or Tribe to another.

Table 1	West Virginia Status of AML Inventory
Table 2	West Virginia Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining
Table 3	West Virginia Accomplishments in Eliminating Environmental Problems Related to Past Mining
Table 4	West Virginia Accomplishments in Public Well-Being Enhancement
Table 5	West Virginia Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining
Table 6	West Virginia Reclamation Projects
Table 7	West Virginia AML Program Grant Awards Staffing

Table 1 – (State/Tribe) Status of AML Inventory all Priority 1, 2, and 3 Hazards on June 30, 2024

	High Priority		Elevated Priority 3	Stand-Alone Priority 3 (Not adjacent or in conjunction w/ P1&2)	Total
	Priority 1	Priority 2			
UNFUNDED					
GPRA Acres	2,404	68,171	N/A	67,808	138,383
Dollars	165,578,014	1,309,474,519	N/A	541,227,969	2,016,280,502
FUNDED					
GPRA Acres	179	8,127	22	115	8,443
Dollars	4,579,798	42,588,208	612,226	1,680,831	49,461,063
COMPLETED					
GPRA Acres	32,042	124,088	849	212,674	369,653
Dollars	216,391,741	529,240,985	4,218,743	26,542,858	776,394,327

Table 1 – (State/Tribe) Status of AML Inventory all Priority 1, 2, and 3 Hazards on June 30, 2024

IIJA STATUS	High Priority		Elevated Priority 3	Stand-Alone Priority 3 (Not adjacent or in conjunction w/ P1&2)	Total
	Priority 1	Priority 2			
UNFUNDED					
GPRA Acres	537	5,927	N/A	177,788	184,252
Dollars	71,384,211	121,067,581	N/A	14,989,015	207,440,807
FUNDED					
GPRA Acres	6	171	N/A	0	177
Dollars	1,154,235	6,678,620	N/A	0	7,832,855
COMPLETED					
GPRA Acres	0	0	N/A	0	0
Dollars	0	0	N/A	0	0

Table 2 - (State/Tribe) Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining Priority 1 and 2 Hazards (As of June 30, 2024)

PROBLEM TYPE (keyword)																																		
	Clogged Stream (CS) (miles)		Clogged Stream Lands (CSL) (acres)	Dangerous Pile or Embankment (DPE)(acres)		Dangerous Highway (DH) (feet)		Dangerous Impoundment (DI) (count)		Dangerous Slide (DS) (acres)		Gases: Hazardous Explosive (GHE) (count)		Hazardous Equip. /Facilities (HEF) (count)		Hazardous Water Body (HWB) (count)		Industrial/Residential Waste (IRW) (acres)		Portal (P) (count)		Polluted Water-Agri/Industrial (PWA)(count)		Polluted Water: Human Consumption (PWHC)(count)		Subsidence (S) (acres)		Surface Burning (SB) (acres)		Underground Mine Fire (UMF) (acres)		Vertical Opening (VO) (count)		TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)																																		
Units	1,042.35		95.62	2,355.73		3,182,748.90		1,161.00		391.70		3.00	727.00		44.00		8.00		1,949.00		145.80		929.00		779.45		93.81		4,676.95		141.00		N/A	
GPRA Acres	5,195.50		140.6	2,354.63		45,468.19		5,805.00		380.25		3.00	77.00		220.00		8.00		199.80		729.00		4,645.00		777.75		93.80		4,676.95		14.10		70,788.56	
Dollars	20,926,140.32		2,986,549	51,793,647.27		798,515,673.65		29,089,574.87		33,947,976.58		265,835.00	7,812,420.00		2,737,011.00		59,356.00		25,362,902.43		56,002,837.00		63,891,734.67		126,280,348.00		6,061,156.00		246,468,314.00		4,686,161.00		1,476,887,636.79	
ANNUAL RECLAMATION - EY2024 only (Completed)																																		
Units			0.1					8		3.8		1	1						4					1		0.75		3		7		N/A		
GPRA Acres			0.5					40		3.8		1	0.1						0.4				1		0.75		3		0.7		51.25			
Dollars			1,020,000.00					361,243.00		1,262,152.58		199,058.73	7,935.00						354,581.70					662,309.05		517,092.80		944,430.00		88,195.82		5,416,998.68		
HISTORICAL RECLAMATION - EY1978 - 2024 (Completed)																																		
Units	72.01		72.01	5,677.11		397,870.90		2,090.50		762.59		11.80	763.80		35.30		50.60		3,764.00		87.40		26,119.00		638.83		566.95		51.25		238.30		N/A	
GPRA Acres	342.97		342.97	5,677.41		5,684.17		10,452.50		761.39		11.80	76.48		175.00		50.30		376.40		433.50		130,595.00		628.51		565.55		51.25		23.83		156,130.46	
Dollars	20,030,882.79		20,030,882.79	156,028,202.11		62,243,077.47		57,625,804.47		78,886,892.16		537,790.09	10,245,215.43		1,126,573.90		831,981.00		41,168,656.43		14,478,202.59		180,704,423.47		66,527,871.28		30,734,580.96		10,153,318.16		7,753,124.13		745,632,725.87	

PROBLEM TYPE (keyword)														
	Bench , Solid Bench, Fill Bench (BE) (acres)	Industrial/Residential Waste Dump (DP) (acres)	Equipment and Facilities (EF) (count)	Gob (GO) (acres)	Highwall (H) (feet)	Haul Road (HR) (acres)	Mine Opening (MO) (count)	Pit, Open Pit, Strip Pit (PI) (acres)	Spoil, Spoil Bank (SA) (acres)	Slurry (SL) (acres)	Slump (SP) (acres)	Water (WA) (gallons)	Other (specify)	Water Supplies (WS) – Section 403(b) (count)
														TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)														
Units	199.80	18.90	95.00	1,125.87	3,155,135.00	14.25	133.00	46.55	607.75	10.00	29.31	43,541.00	153.00	0.00
GPRA Acres	199.80	18.90	9.50	1,124.67	45,083.43	13.75	13.30	46.55	607.75	10.00	29.21	35,579.40	0.00	82,735.75
Dollars	781,401.00	142,406.00	608,036.00	#####	529,286,049.50	416,501.00	1,647,590.00	316,868.00	4,045,677.85	#####	2,707,974.00	#####	750,749.00	0.00
ANNUAL RECLAMATION - EY2024 only (Completed)														
Units			1.00		100.00							115,414.00		N/A
GPRA Acres			1.00		1.40							115,414.00		115,416.40
Dollars			1,977.00		85,431.00							279,017.40		366,425.40
HISTORICAL RECLAMATION - EY1978 - 2024 (Completed)														
Units	44.00	30.15	21.00	195.96	49,363.00	11.00	25.00	14.00	1,053.10	2.00	24.71	212,042.58	0.00	N/A
GPRA Acres	43.50	30.15	2.10	194.46	705.19	11.00	2.50	14.00	1,053.10	2.00	24.71	211,440.58	0.00	213,523.29
Dollars	180,866.00	288,307.34	117,393.00	2,522,058.00	6,515,147.91	107,234.00	187,701.16	60,000.00	6,863,635.00	#####	845,906.45	#####	0.00	30,786,601.19

**Table 4 – (State/Tribe) Public Well-Being Enhancement
(All Priority 1, 2, and 3 AML projects completed during EY 2024)**

#	PAD Number	Project Name	Problem Type(s) Reclaimed	GPRA Acres	Cost	Number of People with Reduced Exposure Potential (State Estimated /or/ Census Data)
1	WV000930	Tralee Mine Dump and Drainage	DI	25	\$215,967.00	175
2	WV000930	Tralee Mine Dump and Drainage	P	0.2	\$75,000.00	
3	WV001190	Chisler Knob Portal	DI	10	\$85,431.00	397
4	WV001190	Chisler Knob Portal	H	1.4	\$85,431.00	
5	WV004588	Belcher Hollow Underground Mine Fire	UMF	1	\$467,785.00	0
6	WV005063	Switzer (Johnson) Drainage	DI	5	\$59,836.00	338
7	WV005818	Fairmont (Salleyfield Estates) Subsidence II	S	0.1	\$60,762.90	2037
8	WV005988	Wilkinson (Vance) Portal	P	0.1	\$2,534,257.70	338
9	WV006327	Jack Run (Phares) Subsidence II	S	0.1	\$19,243.10	519
10	WV006339	St. Joe Road (Messenger) Subsidence II	S	0.2	\$20,031.00	983
11	WV006496	Enterprise (Talkington) Subsidence III	S	0.1	\$14,406.00	469
12	WV006600	Isaac Creek (CR 16-1) Dangerout Slide	DS	2.8	\$1,002,758.33	174
13	WV006718	White Hall (Mullins) Underground Mine Fire	UMF	2	\$476,645.00	1004
14	WV006767	Adrain (Black Lick Run) Portal	EF	0.1	\$1,977.00	154
	WV006767	Adrain (Black Lick Run) Portal	HEF	0.1	\$7,935.00	
	WV006767	Adrain (Black Lick Run) Portal	P	0.1	\$25,329.00	
	WV006767	Adrain (Black Lick Run) Portal	VO	0.3	\$35,200.00	
15	WV006899	Pardee (Taylor) Landslide	DS	1	\$259,394.25	217
16	WV007123	Nutter Fort AMD Stormwater Phase 1	CS	0.5	\$1,020,000.00	1130
17	WV007199	Vasser Lane Vertical Opening Phase 1	VO	0.3	\$43,740.80	25
18	WV007202	Bolair (Mace) Burning Refuse	GHE	1	\$199,058.73	81
	WV007202	Bolair (Mace) Burning Refuse	SB	0.5	\$400,000.00	
19	WV007204	Shinnston (Perry) Subsidence	S	0.1	\$9,750.00	2201
20	WV007205	Brandywine (Hall) Vertical Opening	VO	0.1	\$9,255.00	244
21	WV007213	Rivesville (Bingamon) Subsidence	S	0.1	\$28,453.60	584
22	WV007214	Rifle Club Road (Haley) Subsidence	S	0.1	\$38,036.00	1684
23	WV007217	White Hall (Winston) Subsidence	S	0.1	\$454,176.45	1004
24	WV007227	Crimson Lane (Ellis) Burning Refuse	SB	0.25	\$117,092.80	235
25	WV007235	Fairmont (Billek) Subsidence	S	0.1	\$17,450.00	1312
TOTAL				52.75	\$7,784,402.66	15,305

Table 5 – (State/Tribe) - Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining (AML projects completed during EY 2024)

#	PAD Number	Project Name	SMCRA Program Funding Source	Total SMCRA funding	Alternate Non-SMCRA Funding Source	Total non-SMCRA Funding	In-Kind Services	Total Project Funding	Comments
1									No Completed projects reported
2									
3									
4									
5									
6									
7									
TOTAL				0		0	0	0	

Table 6 – (State/Tribe) – Reclamation Projects Started and/or Completed (AML projects started and/or Completed during EY 2024)

Project Type	Projects Started	Projects Completed
State/Tribe (EY 2024):	12 (as reported by OAMLR)	25 (as reported in Table 4)
Federal (EY 2024):	0	0
Total (EY 2024):	12	25

**Table 7 – (State/Tribe) – AML Program Grant Awards and Staffing
(State/Tribe)
AML Program Grant Awards and Staffing
(During EY 2024)**

AML Program Costs	
Administration: FY 24 fee-based: \$2,912,955 FY 23 BIL: \$6,454,689	\$9,367,644.00
Construction: FY 24 fee-based: \$8,388,940 FY23 BIL: \$100,000,000 FY 23 AMLER: \$29,347,333	\$137,736,273.00
Water Supply Construction: FY 23 BIL	\$5,000,000.00
AMD Set-Aside: FY 24 fee-based	\$4,006,497.00
Other(s) (Specify): 23 BIL Engineering and Design	\$29,229,189.00
Total AML Funding	\$185,339,603.00
AML Program Staffing (full-time equivalents on June 30, 2024):	67 FTE's

Appendix 3 State Comments and Response to EY 2024 West Virginia Annual Report State Comments / OSMRE Responses

OSMRE: DEP please report numbers from 07/01/23 - 06/30/24

WVDEP: Investigated 397 citizen complaints within two days of receipt of the complaint

OSMRE: DEP please report numbers from 07/01/23 - 06/30/24

WVDEP: In EY 2024, WVDEP received 402 complaints that were regulatory in nature. The WVDEP responded to 397 complaints within two working days. If a citizen does not agree with WVDEP's action regarding a citizen's complaint, the citizen may request an informal review with WVDEP of the decision within 30 days. The WVDEP resolved 278 complaints during this EY, with 122 under review pending additional information.

OSMRE: DEP please report accomplishments

WVDEP:

- Conducted two sessions of virtual industry training. Topics included: Electronic Submission System (ESS) Process, Bond Release Procedures, Updates concerning Endangered Species Act, Water Sampling requirements, Slope Stability, Structure Removal, and Electronic Certifications.
- Issued a compliance bulletin concerning implementation of Electronic submittals of Dam Control abandonment requests.
- Participated in and supported the QA/QC panel.
- Participated in collegiate job fairs to attract applicants for vacant positions,
- Conducted hybrid in-person informal conferences and assessment hearings
- Participated in the West Virginia Mine Drainage Task Force
- Participated in the Appalachian Regional Reforestation Initiative (ARRI)
- Provided regulatory updates at various Industry meetings and symposiums
- Participated in the Appalachian Region Technology Transfer (ARTT)
- Developed a Standardized bat Protection and Enhancement Plan for more efficient Technical Assistance reviews between DMR and FWS WVFO

OSMRE: DEP please update this section with any known new information.

WVDEP: During EY 2024, WVDEP continued to collaborate with West Virginia University (WVU) in evaluating the concentrations of REEs in AMD sludge that is present on several bond forfeiture sites throughout the State.

The AMD treatment facility is averaging 541,080 gallons per day (AMD water) for removal of heavier iron sludge then providing the REE plant an average of 477,954 gallons per day.

OSMRE: DEP please update this section with any known new information.

WVDEP: As of June 30, 2024, the Fund has accumulated assets of \$9.7 million, a 24.7% decrease from 2023 values, while the SRWTF has accumulated \$178.3 million in assets, a 15.2% increase over 2023 SRWTF values. Increased revenues for the SRWTF are attributed to the tax increase in 2012 as well as the improved investment strategy which was initiated in 2013