



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR



Inspection



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

MAY 07 2025

Memorandum

To: Thomas Shope
Acting Deputy Director, Office of Surface Mining Reclamation and Enforcement

From: Caryl N. Brzymialkiewicz, Ph.D. *C. Brzy*
Acting Inspector General

Subject: Final Inspection Report – *OSMRE and Pennsylvania Have Opportunities To Improve as They Prepare To Spend \$3.7 Billion in Infrastructure Investment and Jobs Act Funding*
Report No. 2024-ISP-020

This memorandum transmits our inspection report on the Office of Surface Mining Reclamation and Enforcement's Infrastructure Investment and Jobs Act abandoned mine land funding provided to the Commonwealth of Pennsylvania.

We will track open recommendations for resolution and implementation. We will notify Congress about our findings, and we will report semiannually, as required by law, on actions you have taken to implement the recommendations and on recommendations that have not been implemented. We will also post a public version of this report on our website.

If you have any questions about this report, please call me or Kathleen Sedney, Assistant Inspector General for Audits, Inspections, and Evaluations, at 202-208-5745.

Contents

Results in Brief 1

Introduction..... 2

 Objectives 2

 Background..... 2

 Office of Surface Mining Reclamation and Enforcement..... 2

 Funding Sources for AML Reclamation 3

 Pennsylvania Department of Environmental Protection – Bureau of Abandoned Mine Reclamation..... 4

 Reclamation in Pennsylvania 4

Results of Inspection 6

 Dangerous Conditions at AML Sites Pose Public Safety Risks..... 6

 PA DEP Misclassified Non-IIJA Projects as IIJA-funded in e-AMLIS 9

 PA DEP Is Not Tracking IIJA Performance Data Outlined in OSMRE Guidance 10

 PA DEP Did Not Adequately Monitor Subgrantees for Compliance With Federal Regulations 11

Conclusion and Recommendations 13

 Conclusion 13

 Recommendations Summary 13

Appendix 1: Scope and Methodology 16

 Scope..... 16

 Methodology 16

Appendix 2: Sites Visited 17

Appendix 3: Response to Draft Report 18

Appendix 4: Status of Recommendations 22

Results in Brief

Objectives

The Infrastructure Investment and Jobs Act (IIJA) provided the Office of Surface Mining Reclamation and Enforcement (OSMRE) with \$10.9 billion¹ in new funding for its Abandoned Mine Reclamation Fund.² OSMRE will distribute, through its Abandoned Mine Land (AML) Reclamation Program, approximately \$725 million in grants to eligible States and Tribes³ on an annual basis over a 15-year period, which began in fiscal year 2022. The Commonwealth of Pennsylvania will receive a total of \$3.7 billion; as of October 2024, it has received almost \$490 million of that total.

Our objectives were to determine if the Pennsylvania Department of Environmental Protection (PA DEP):

1. Properly ensured the safety of IIJA-funded remediation sites.
2. Appropriately evaluated IIJA AML sites for eligibility and recorded the projects in the Electronic AML Inventory System (e-AMLIS).
3. Is prepared to report on IIJA performance measures.

Findings

We found that PA DEP has begun reclaiming dangerous sites, conducting preventative reclamation work to mitigate issues at AML sites before major problems arise, and conducting newly authorized environmental and watershed restoration projects.

Despite this, we found (1) all AML sites we visited that were slated for or undergoing reclamation were unsecured and did not have signs indicating the danger or risk these sites pose to the public; (2) PA DEP misclassified non-IIJA project costs as IIJA costs in e-AMLIS, which could result in overreporting projects completed using IIJA funding; and (3) PA DEP was not tracking the performance data outlined in OSMRE's guidance, which affects OSMRE's ability to demonstrate that IIJA funding is achieving its purpose both to the public and to Congress. Additionally, while not part of our initial objective, we found that PA DEP did not adequately monitor subgrantees' contracting actions to ensure compliance with Federal grant regulations.

Impact

The dangers of AMLs can be seen across the country, as millions of Americans live less than one mile from an abandoned coal mine that can pose a risk to health, property, and the environment. Over the five years preceding the IIJA, PA DEP received an average of \$65.5 million annually from Federal grant sources to address AMLs. The IIJA provides PA DEP nearly four times that amount—an additional \$244.8 million annually, which is the largest percentage of IIJA funding of any recipient. Because of the substantial addition to AML funding, it is critical that OSMRE and its grant recipients establish robust processes for awarding and monitoring grants, subgrants, and contracts, and that OSMRE collects sufficient data to report on its progress as required.

Recommendations

We make five recommendations to help OSMRE more effectively manage the \$10.9 billion in IIJA AML grant funding over the next 12 years.

¹ The Office of Inspector General receives 0.5 percent of the \$11.293 billion appropriated, leaving approximately \$11.2 billion for the Abandoned Mine Reclamation Fund and OSMRE operations.

² Pub. L. No. 117-58 § 40701.

³ According to Pub. L. No. 117-58 § 40701(b)(2), "Eligible Grant Recipients," grants may be made to States and Tribes that have a State or Tribal program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) § 405, codified at 30 U.S.C. § 1235; States and Tribes that are certified under SMCRA § 411(a), codified at 30 U.S.C. § 1240(a); and the two States of Tennessee and Missouri, which are specifically named in SMCRA § 402(g)(8)(B), codified at 30 U.S.C. § 1232(g)(8)(B).

Introduction

Objectives

To determine if the Pennsylvania Department of Environmental Protection:

1. Properly ensured the safety of Infrastructure Investment and Jobs Act (IIJA)-funded remediation sites.
2. Appropriately evaluated IIJA abandoned mine land (AML) sites for eligibility and recorded the projects in the Electronic AML Inventory System (e.AMLIS).
3. Is prepared to report on IIJA performance measures.

See Appendix 1 for our inspection scope and methodology.

Background

Coal has been mined in the United States for centuries. Coal mines where no mining operations have occurred in the past five years or more and no reclamation bond or other financial assurance has been posted (or the bond or financial assurance has been forfeited) are considered abandoned. Today, estimates state that there are as many as 500,000 abandoned coal mines in the United States and millions of Americans live less than one mile from an abandoned coal mine. According to the U.S. Environmental Protection Agency, abandoned mines can present serious threats to human health and the environment. Communities built over or near AMLs are at risk for property damage due to subsidence that may occur in the mines below them. Watersheds near AMLs are at risk for acidification and heavy metal contamination due to acid mine drainage. Pollution resulting from AMLs poses risks to both wildlife and human health.

Office of Surface Mining Reclamation and Enforcement

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) established Federal regulatory oversight of coal operators and the environmental effects of coal mining.⁴ It established the Office of Surface Mining Reclamation and Enforcement (OSMRE), a bureau within the U.S. Department of the Interior (DOI), to administer programs for controlling the impacts of surface coal mining operations. OSMRE's primary objectives are to

Reclamation is action taken to restore land and water that has been adversely affected by coal mining.

Subsidence is surface caving or sinking due to AML-related underground mine voids.

Acid mine drainage is the outflow of acidic water from coal mines that often includes dissolved metals like iron or aluminum.

Refuse piles are piles of low-quality coal waste mixed with rock, clay, and other material extracted from the ground and left on the surface.

A **highwall** is the face of exposed overburden (coal waste, rock, soil, or other material that covers a coal deposit) or coal in an open cut of surface coal mining activity or entry to underground mining.

A **watershed** is a land area that channels rainfall and snowmelt to creeks, streams, and rivers—and eventually to outflow points such as reservoirs, bays, and the ocean.

An AML **problem** or **feature** is an individual aspect of an AML site that can be remediated. There can be more than one AML problem per AML site. Acid mine drainage, refuse piles, and dangerous highwalls are all forms of AML problems.

Active treatment facilities are water treatment facilities that use chemicals to treat significant acid mine drainage that require frequent care and treatment chemical replenishment.

Passive treatment facilities are used to treat acid mine drainage flows using limestone beds and gravity-fed filtration. These water treatment facilities are generally cheaper and lower maintenance than active treatment facilities.

A **bat gate** is a metal grate used to allow bats to access abandoned mines and restrict entry for humans.

⁴ Pub L. No. 95-87, 30 U.S.C §§ 1201-1328, as amended by Pub. L. No. 117-58 (2021).

ensure that coal mines are operated in a manner that protects people and the environment during mining, that land is restored after mining, and that any negative effects from past mining are mitigated.

In accordance with SMCRA, OSMRE oversees implementation of State and Tribal AML programs and provides grants to States and Tribes (i.e., grant recipients) with approved AML programs through its AML Reclamation Program. Generally, recipient States and Tribes award the majority of grant funding received from OSMRE to subrecipients or contractors to complete AML reclamation activities. States and Tribes are expected to oversee the work of those subrecipients and contractors. In addition to overseeing and providing funding for reclamation programs, OSMRE provides States and Tribes with technical assistance and training related to coal production and environmental protection. It also maintains AML inventory data—including locations of AMLs, reclamation work performed, and costs associated with reclamation—in its e-AMLIS database. States and Tribes are responsible for entering accurate data into e-AMLIS.

The IIJA funds provided through the Abandoned Mine Reclamation Fund⁵ are subject to the terms of SMCRA on eligible lands and water.⁶ Under SMCRA, projects are categorized as Priority 1, 2, and 3.

Priority 1: These projects protect public health, safety, and property from **extreme danger** of adverse effects of coal mining practices, including restoring adjacent land and water resources and the environment.

Priority 2: These projects protect public health and safety from adverse effects of coal mining practices, including restoring adjacent land and water resources and the environment.

Priority 3: These projects restore land and water resources and environments **previously degraded** by adverse effects of coal mining practices—which may include designing, constructing, operating, maintaining, and rehabilitating acid mine drainage treatment facilities regardless of whether they are part of a qualified hydrologic unit.

Funding Sources for AML Reclamation

Grants under OSMRE's AML Reclamation Program have historically been funded by Title IV of SMCRA through a fee paid by present-day coal mining companies on each ton of coal produced. Those funds are used to reclaim land and water resources adversely affected by coal mines abandoned before August 3, 1977; after this date, SMCRA requires companies to purchase bonds to cover the cost of reclamation. OSMRE collects and deposits these fees into the Abandoned Mine Reclamation Fund and annually distributes grants to States and Tribes for reclamation activities based on a statutorily prescribed formula. OSMRE also administers Abandoned Mine Land Economic Revitalization (AMLER) program funding⁷ for AML reclamation projects tied to economic development initiatives—Congress first authorized this funding in 2016.

In 2021, the IIJA⁸ provided OSMRE with \$10.9 billion in new funding for its existing Abandoned Mine Reclamation Fund. OSMRE made funding available to States and Tribes on August 4, 2022, and will distribute approximately \$725 million per year over a 15-year period. Further, the IIJA allows States and Tribes to use awarded funds on standalone Priority 3 reclamation projects, which was not previously authorized under SMCRA Title IV.⁹

Pennsylvania will receive \$244.8 million in IIJA grant funding annually from FY 2022 to FY 2037, which totals to \$3.7 billion over the life of the program. Pennsylvania's AML Reclamation Program will receive the largest percentage of IIJA funding of any recipient—about 33.8 percent of total AML funding. This is a significant

⁵ SMCRA created the Abandoned Mine Reclamation Fund for purposes including reclamation and restoration of land and water resources adversely affected by past coal mining (SMCRA § 401(a), codified at 30 U.S.C. § 1231(a)). OSMRE manages the fund through its AML Reclamation Program.

⁶ SMCRA §§ 403(a)(1-3), 403(b), 410, and 404.

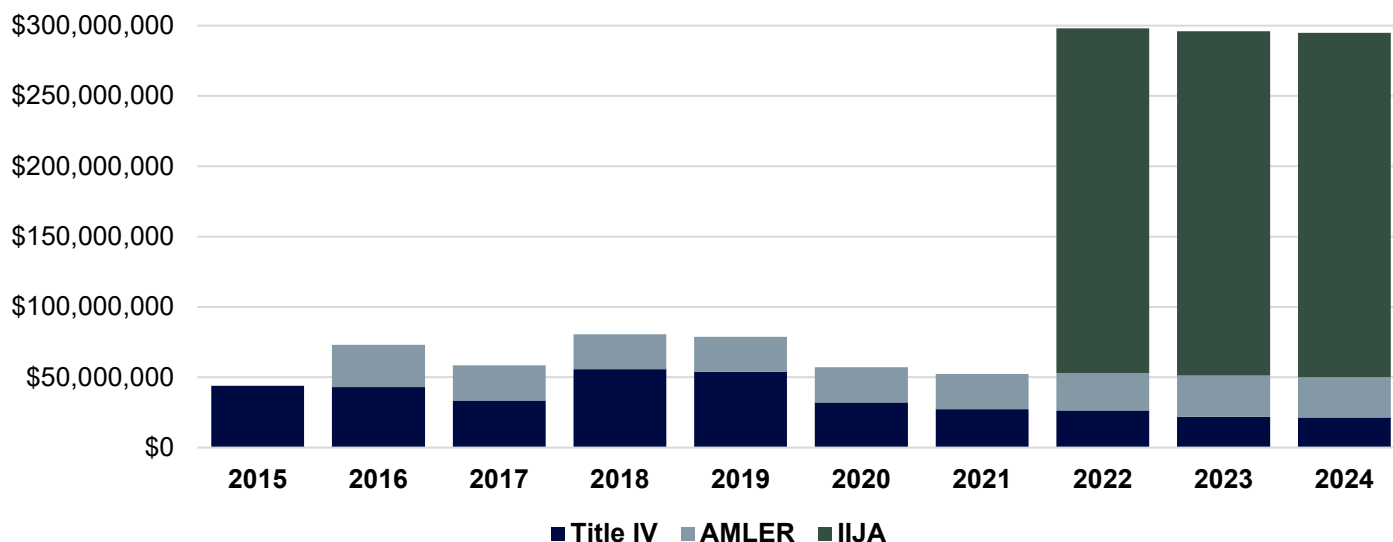
⁷ AMLER funding is used to explore and implement strategies that return legacy coal mining sites to productive uses through economic and community development. The AMLER program supports local investment opportunities that provide for sustainable long-term rehabilitation of coalfield economies.

⁸ Pub L. No. 117-58 (2021).

⁹ Under SMCRA Title IV, funding for Priority 3 projects is limited to those Priority 3 projects that are connected to Priority 1 or Priority 2 projects.

increase over prior years' annual disbursements of SMCRA fee-based funding, which ranged from \$21.5 million to \$55.7 million over the last 10 years (see Figure 1).

Figure 1: OSMRE Grant Distributions to Pennsylvania AML by Funding Source



Source: OIG analysis of OSMRE grant disbursement data.

Pennsylvania Department of Environmental Protection – Bureau of Abandoned Mine Reclamation

The Pennsylvania Conservation and Natural Resources Act¹⁰ created the Pennsylvania Department of Environmental Protection (PA DEP) and restructured functions that were previously administered by its predecessor agency. PA DEP is responsible for Pennsylvania's land, air, and water management programs; environmental protection; and regulation of State mining operations. Pennsylvania administers its AML Reclamation Program through PA DEP's Bureau of Abandoned Mine Reclamation. The bureau is responsible for programs designed to reclaim abandoned mine sites, control and extinguish underground mine and refuse bank fires, control subsidence hazards, address mining-impacted water supplies, and respond to emergencies involving abandoned mines.

The PA DEP Grants Center processes subgrants awarded by PA DEP, including those funded by the IIJA. The Grants Center oversees and administers PA DEP grant and rebate programs, tracks grant activities, and provides assistance to PA DEP programs regarding grant guidelines and requirements.

Reclamation in Pennsylvania

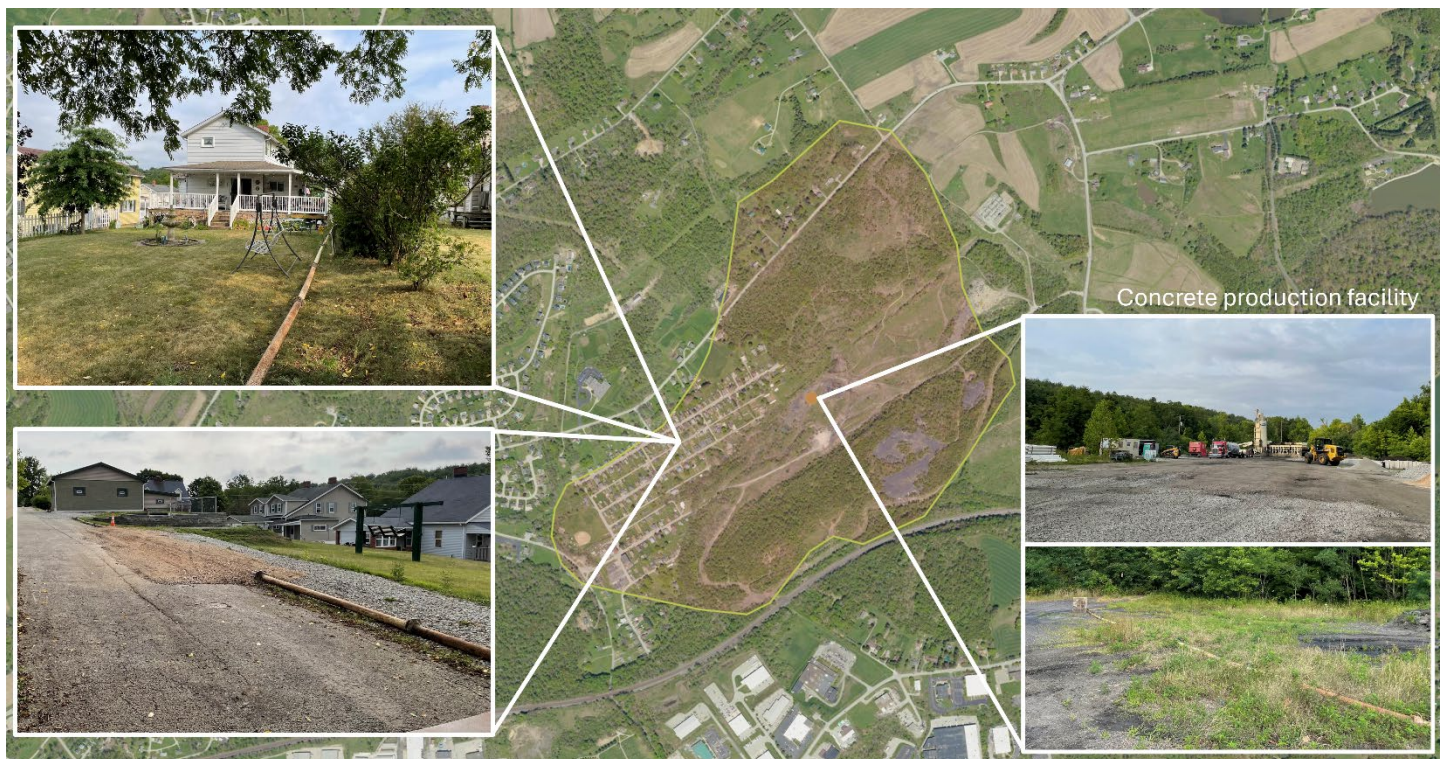
Pennsylvania's AML inventory accounts for more than one-third of AML unfunded costs identified in e-AMLIS. According to PA DEP's Bureau of Abandoned Mine Reclamation, operators mined approximately 15 billion tons of coal and abandoned over 250,000 acres of mined lands in Pennsylvania prior to 1977. Its inventory includes over 6,000 Priority 1 and 2 AML problems with more than \$5 billion in associated costs.

The additional AML funding has enabled PA DEP to fund reclamation projects that it was previously unable to address. For example, PA DEP plans to use IIJA funding for reclaiming large refuse piles, dangerous highwalls, and acid mine drainage. PA DEP will also conduct preventive reclamation of areas with high subsidence risk, which abates the risk of future emergency subsidence events and associated danger to public safety and damage to property. Preventive projects can have high upfront costs, but according to PA DEP, these projects can also lead to program savings over time as a result of prevented emergencies and

¹⁰ Conservation and Natural Resources Act, Act of Jun. 28, 1995, P.L. 89, No. 18, Pa. Pamphlet Laws.

leveraging of economies of scale. We observed one such efficiency at a Priority 2 site where a temporary cement plant obviated the need to bring in cement one truck at a time (see Figure 2).

Figure 2: Drilling and Cement Mixing Equipment at Subsidence Prevention Site



Sources: *Earth imagery:* Esri, Maxar, Earthstar Geographics, and the GIS User Community. *House inset image:* OIG. *Neighborhood inset image:* OIG. *Cement mixing plant inset image:* OIG. *Cement pipe inset image:* OIG.

PA DEP awarded one contract for widespread subsidence prevention using IIJA funding. This prevention project covers 109 properties on more than 35 acres of land on which two emergency subsidence events have occurred. PA DEP told us it plans to award 21 future subsidence prevention projects using IIJA funding to address an additional 4,900 properties currently at risk.

IIJA funding allows recipients to address standalone Priority 3 AML problems that they could not address with previous funding sources. Priority 3 problems include acidification and heavy metal contamination of watersheds due to acid mine drainage that is treated using “active” or “passive” water treatment facilities. Active facilities are more expensive and require long-term operations and maintenance costs, while passive facilities are limited to a lower flow but with lower ongoing expenses than active facilities. PA DEP plans to use IIJA funding to construct both active and passive acid mine drainage treatment facilities.

Results of Inspection

We identified four areas PA DEP and OSMRE should address. Specifically, we found:

- Dangerous conditions exist on AML sites that are publicly accessible and not marked with warning signs.
- Although all projects sampled were eligible for IIJA AML funding, PA DEP misclassified non-IIJA projects as IIJA-funded in e-AMLIS, which could result in overreporting of projects completed with IIJA funding.
- PA DEP was not tracking the performance data outlined in OSMRE's guidance, which affects OSMRE's ability to accurately report to Congress its progress spending IIJA funds and addressing reclamation needs.
- PA DEP did not adequately monitor subgrantees' contracting actions to ensure they were complying with Federal grant regulations. This issue was not within our initial objective; however, we include it here due to the substantial amount of funding PA DEP has allocated for subgrants.

Dangerous Conditions at AML Sites Pose Public Safety Risks

During our site visits,¹¹ PA DEP employees routinely reminded us of the significant risk that AMLs present to the public and those working to reclaim them. Dangers vary, and all pose a threat to public safety; they include collapsing sinkholes, unprotected mineshafts, rockslides, and broader environmental risks to people, water, and wildlife. Even though the majority of these dangers exist on private land (see Figure 3), AML sites are often readily accessible to the public and can be hazardous. These risks are not new; according to a Bureau of Land Management brochure,¹² between 2000 and 2013, “381 people were killed” and “152 people suffered broken bones and other injuries.” PA DEP's website notes four fatalities associated with abandoned mines and quarries between 2014 and 2016. We also learned that, in June 2024, a contract employee died while working on an IIJA-funded reclamation site in Pennsylvania, highlighting the danger of AML sites even to those with proper safety equipment who work to reclaim them.

Despite the danger posed by these sites, the public can access refuse piles for recreation and open mine portals for exploration. We observed freely accessible mounds of coal waste—adjacent to a neighborhood and elementary school—with signs of motor vehicle use, including ATV and dirt bike tracks, often next to unmarked, sheer dropoffs dozens of feet high (see Figure 4).

Figure 3: Example of Extreme Subsidence on Private Land

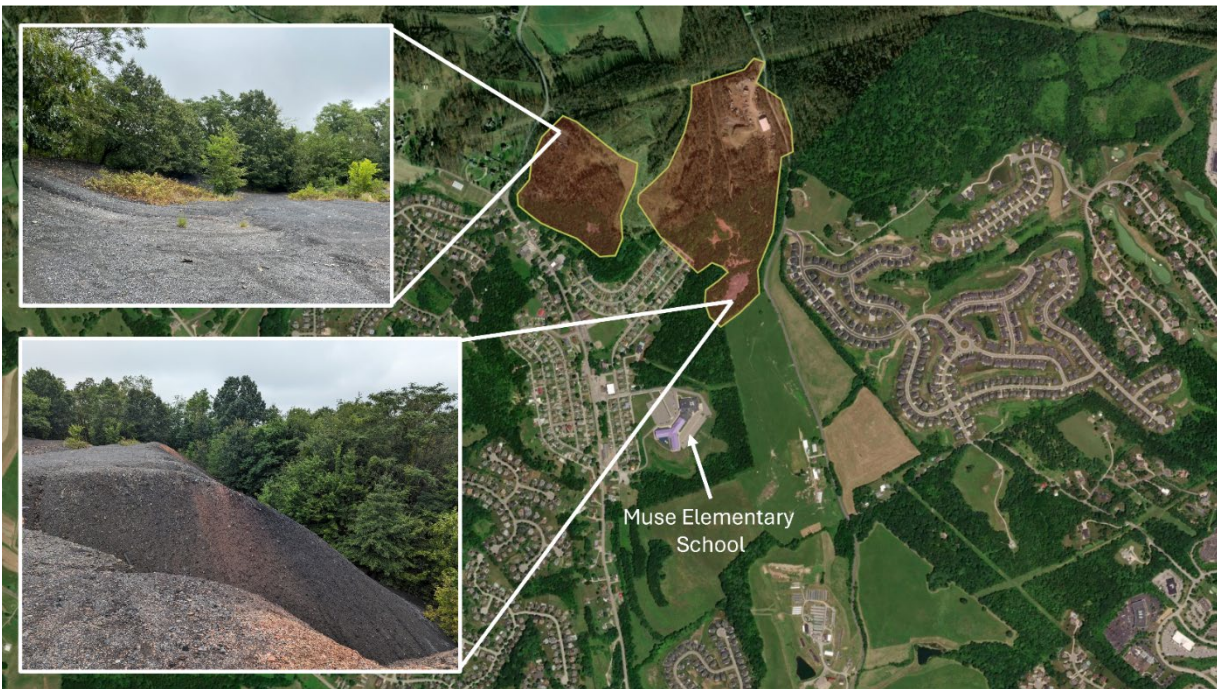


Source: PA DEP.

¹¹ We visited 14 AML project sites—12 of which were IIJA-funded. We visited two sites that were not IIJA-funded to see examples of other project types such as a completed acid mine drainage treatment plant. See Appendix 2 for a list of sites visited.

¹² *Dangers at Abandoned Mines...can kill you*, BLM/VO-GI-13-009+3720, https://www.blm.gov/sites/default/files/uploads/AML_PUB_DangersAtAbandonedMines.pdf.

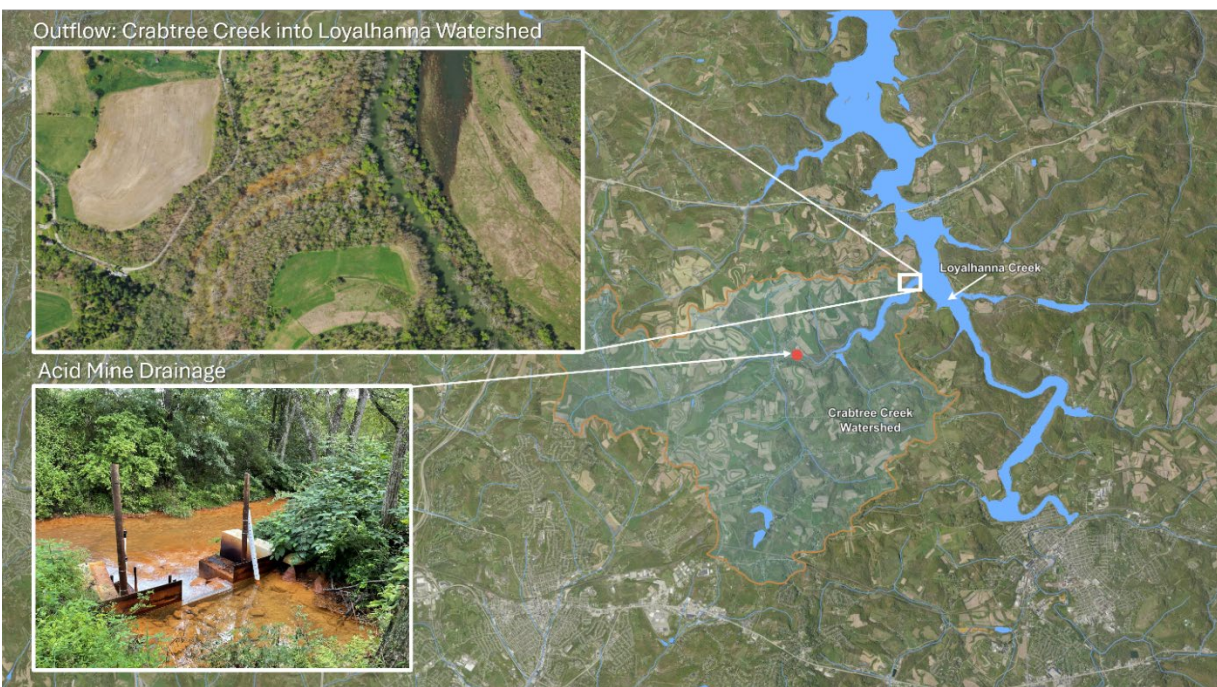
Figure 4: Large Refuse Pile With Signs of Previous Access



Sources: *Earth imagery:* Esri, Maxar, Earthstar Geographics, and the GIS User Community. *Refuse pile with ATV tracks inset image:* OIG. *Refuse dropoff inset image:* OIG.

We walked publicly accessible trails along dangerous highwalls—vertical rock faces left from mining with loose rock that can fall or slide into paths below—without access restrictions or warning signs. We also saw hazardous streams accessible to hikers (see Figure 5). At one site, also unsecured and without warning signs, an abandoned mine is discharging highly acidic, iron-laden water into the Loyalhanna watershed at about 4,500 gallons per minute. This inhibits plant and animal life from inhabiting the stream.

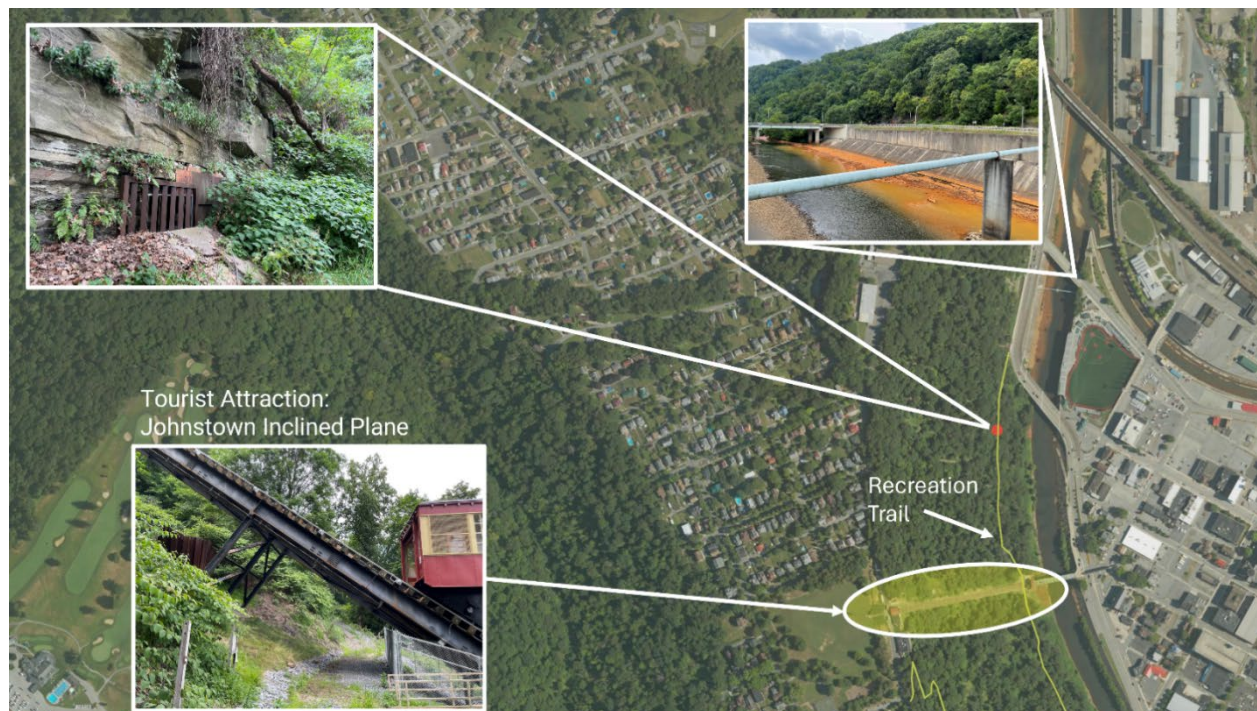
Figures 5: Acid Mine Drainage Into Watershed



Sources: *Earth imagery and watershed inset image:* Esri, Maxar, Earthstar Geographics, and the GIS User Community. *Acid mine drainage inset image:* OIG.

Finally, we visited a mine entrance secured by a bat gate that showed signs of cutting for forced entry (see Figure 6). PA DEP personnel informed us that beyond the bat gate, any number of hazards within the abandoned mine could injure or kill, including poisonous gases, sheer drops, roof collapses, and even potentially unexploded ordnance like dynamite. There were no warning signs near the mine entrance indicating the existence of these dangers that were on a public hiking trail with historical markers and a tourist attraction called the Johnstown Inclined Plane, which acts as a transport for vehicles and people to access the top of the nearby hill. In addition to these dangers, the mine associated with the site drains into the adjacent Little Conemaugh River, contaminating the river where it runs through Johnstown.

Figure 6: Mine Portal With Signs of Previous Access and Attempts To Cut Through Gate



Sources: Earth imagery: Esri, Maxar, Earthstar Geographics, and the GIS User Community. Bat gate inset image: OIG. Contaminated river inset image: OIG. Johnstown Inclined Plane inset image: OIG.

We found that OSMRE and PA DEP do not have any policy or procedures for placing danger signs or controlling access to AML sites that pose a risk to the public. One analogous Federal program, the Environmental Protection Agency’s “Superfund” environmental cleanup effort, requires signs to inform the public of the site’s status as a Superfund site and how to report suspected criminal activity. The U.S. Department of Labor Mine Safety and Health Administration’s “Stay Out, Stay Alive” public awareness campaign provides posters and educational resources to further its public safety message (see Figure 7). As part of this campaign, PA DEP offers presentations to schools and community groups to educate the public on the dangers; however, no Federal or State policy requires that warning signs be placed at abandoned mine sites.

Pennsylvania categorizes 6,835 of approximately 8,600 sites as Priority 1 or 2, which are defined as those posing a threat to public health and safety, with Priority 1 representing “extreme danger.” Although we acknowledge that AML sites are often sprawling and difficult to secure, many of these sites have obvious or limited points of access that are ideal locations for public warnings or access control.

Figure 7: Stay Out, Stay Alive Sticker



Source: Mine Safety and Health Administration.

As there are no Nationwide OSMRE requirements for access restriction to AMLs or safety signs highlighting their danger, other States and Tribes likely face similar issues. In addition to physical measures like fencing or caution tape, AML funding recipients could leverage the use of existing signs and messaging (such as the Stay Out, Stay Alive program’s warnings) to advise the public of unseen and unsafe AMLs. Unrestricted AMLs may appear to be natural features while hiding treacherous terrain or unsafe water, leaving the public in danger without alerting them to safety risks. Without signs or access control, the risks AMLs pose to the public could go unmitigated until the States complete their reclamation work, leaving recreational visitors and the public at risk of injury or death if they encounter AML sites.

Recommendation

We recommend that OSMRE:

1. Require the States, including the Pennsylvania Department of Environmental Protection, to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.

PA DEP Misclassified Non-IIJA Projects as IIJA-funded in e-AMLIS

According to OSMRE policy, States should identify the appropriate AML project funding codes in e-AMLIS to accurately reflect the source of funds expended on each project.¹³ OSMRE policy says that States’ funding codes should not be edited after a project has been completed.

OSMRE brought to our attention that PA DEP misclassified projects completed using non-IIJA funding as IIJA projects. We found that as of March 31, 2024,¹⁴ Pennsylvania’s e-AMLIS data showed 20 completed IIJA projects totaling \$5.2 million. However, PA DEP completed two of these projects—totaling \$128,105, or 2.5 percent—prior to the IIJA’s enactment. We found that PA DEP staff edited the original non-IIJA funding codes for these two projects in e-AMLIS and misclassified them as completed using IIJA funds despite no IIJA funds being spent on the two projects.

Through interviews with OSMRE and PA DEP staff, we determined that experience and training on the e-AMLIS data entry process and requirements, including funding code edit policies, is lacking at the State level. OSMRE allows State programs to use IIJA funding to address projects that were formerly planned to be completed using SMCRA Title IV funding. However, OSMRE policy states that recipients should create new e-AMLIS entries for such projects in cases where work has already been completed using Title IV funding, rather than change the funding source codes of the existing entries from non-IIJA to IIJA. State program staff may be unfamiliar with e-AMLIS data entry processes due to the limited number of staff dedicated to such data entry and the risk for turnover of that staff. According to OSMRE, some States have only one staff member who is responsible for and knowledgeable of e-AMLIS data entry; PA DEP has had turnover in its e-AMLIS staff position, leading to data entry errors resulting in mislabeled projects. Currently, no formal e-AMLIS training is required for State program staff. Further, e-AMLIS lacks an automated notification to alert management when edits are made to funding code data—such a notification would assist management in identifying and preventing inappropriate edits.

Even though we observed this issue during our inspection in Pennsylvania, the risk of erroneous funding source categorization exists for all State and Tribal data. OSMRE relies on e-AMLIS as the system of record for accurate AML inventory data and uses this data to report to Congress on IIJA AML grants and spending progress in addressing reclamation needs. Editing of completed projects from non-IIJA to IIJA funding codes

¹³ *Abandoned Mine Land Inventory Manual*, dated October 2023.

¹⁴ e-AMLIS data for this same quarter showed \$255 million in in-progress, IIJA-funded project costs.

effectively makes accomplishments funded under non-IIJA sources appear as IIJA accomplishments. Erroneous data entry and failure to detect data errors affect OSMRE's ability to reliably report project data and may overstate progress on IIJA grants.

Recommendations

We recommend that OSMRE:

2. Review Infrastructure Investment and Jobs Act Electronic Abandoned Mine Land Inventory System data for inappropriate fund changes and correct mislabeled entries, including Pennsylvania Department of Environmental Protection Project Nos. PA001308 and PA007158.
3. Develop and conduct training with Infrastructure Investment and Jobs Act abandoned mine land grant recipients to ensure staff are familiar with data entry processes in the Electronic Abandoned Mine Land Inventory System, particularly those involving changing funding codes.
4. Create an automated process in the Electronic Abandoned Mine Land Inventory System to identify funding code edits for additional review.

PA DEP Is Not Tracking IIJA Performance Data Outlined in OSMRE Guidance

The IIJA states that, not later than six years after the date on which the first allocation to States and Tribes is made, the Secretary of the Interior shall submit to Congress a report that describes any progress in performing reclamation activities under SMCRA to address the adverse effects of coal mining practices and emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices. As the agency that administers programs for controlling the impacts of surface coal mining operations, responsibility for preparing and submitting this report to Congress falls to OSMRE. This report is the primary means of demonstrating to both Congress and the public the success and impact IIJA funding has had in addressing PA DEP's AML sites.

OSMRE issued annual IIJA AML guidance to grant recipients for FYs 2022 through 2024; in this guidance, OSMRE identified 27 performance measures States and Tribes "are expected to track" for the six-year report to Congress. The guidance does not make this tracking mandatory and instead uses the word "encourage" instead of "require" when instructing States to track the data. For example, OSMRE encourages States to track performance measure data such as acres reforested, number of bat gates installed, and miles of waterway improved.

We found that PA DEP is not automatically tracking data on these measures, because it is not mandatory and there is no tracking mechanism. Specifically, e-AMLIS does not have the functionality to input information related to the 27 performance measures. OSMRE informed us that it is working with a contractor to update e-AMLIS functionality that would allow States and Tribes to enter data on 11 performance measures, which OSMRE has identified as the "core metrics." OSMRE expects the e-AMLIS update to be complete in FY 2025. OSMRE officials stated that the remaining 16 performance measures will be compiled qualitatively through performance reports when developing its report to Congress.

Consequently, OSMRE is not collecting the data needed to report on IIJA progress to Congress. OSMRE is currently able to gather information for its six-year report only through qualitative means, mainly by compiling information from the narratives included in the States' Annual Evaluation Reports, which contain high-level summaries of progress made using AML funds and statistics on reclamation work performed but do not break

out the individual performance measures OSMRE has identified.¹⁵ As Pennsylvania is receiving nearly a third of all IIJA AML funding—\$3.7 billion, with \$490 million already awarded—its data is a critical piece of the six-year report to Congress on progress made in addressing outstanding reclamation needs.

OSMRE has stated that it intends to provide future guidance on how to prepare the information required in the report to Congress but has yet to provide additional guidance to States and Tribes. This is consistent with our report, *The Office of Surface Mining Reclamation and Enforcement Should Improve Efforts for Expending Infrastructure Investment and Job Act Funds*,¹⁶ where we found that the required annual reports did not contain all the information that OSMRE needed to complete its report to Congress. In that report, we recommended that OSMRE develop and provide to grant applicants guidance on information required for OSMRE to compile its IIJA report submission to Congress. In response to our report, OSMRE stated that it “intends to revise and update Directive AML-22 – *Evaluation of State/Tribe Abandoned Mine Land Programs*, which will provide instructive guidance and policies to States and Tribes detailing the requirements for providing performance metrics that are to be incorporated into Annual Evaluation Reports specific to the [IIJA] AML program.” OSMRE is targeting completion of the recommendation by December 2025.

In the interest of avoiding duplication of effort with OSMRE’s response to prior reporting, we are not making a recommendation at this time. However, we will reassess Pennsylvania’s implementation of OSMRE’s guidance at a later date.

PA DEP Did Not Adequately Monitor Subgrantees for Compliance With Federal Regulations

As previously noted, while conducting our inspection, we identified an issue that was not part of our initial objective. Specifically, we found that PA DEP was not sufficiently monitoring subgrantees’ contracting actions.¹⁷ According to Federal regulations, passthrough entities must monitor subawards for compliance with Federal laws and regulations.¹⁸ Federal regulations require full and open competition when procuring goods and services¹⁹ as well as sealed bid, publicly advertised competition from an adequate number of qualified sources when the procurement is above the simplified acquisition threshold of \$250,000, with some exemptions for methods like noncompetitive bidding.²⁰ PA DEP subawards IIJA funds to local governments and nonprofits for reclamation work; its subaward terms are required to have these monitoring and competition terms as set forth in Federal regulations.

We found that PA DEP staff did not monitor its subgrantees’ contractor solicitation, competition, or selection to ensure compliance with Federal regulations. PA DEP only learns of subgrantees’ awards when the subgrantee submits invoices for reimbursement. PA DEP staff informed us that they defer to the subgrantee’s bylaws for solicitation rules, which must comply with Federal grant regulations.²¹ PA DEP staff, however, do not verify that the bylaws or the subgrantees’ actions comply with Federal regulations. PA DEP staff stated that sometimes subgrantees have already identified or hired a contractor when the subgrant is awarded, and PA DEP staff were unsure of where or how subgrantees advertised their contracts for solicitation.

PA DEP has made up to \$199.4 million available to be allocated for subgrants, which is 41 percent of its FY 2022 through 2023 IIJA funding. PA DEP was unable to provide a list of subgrantees’ contractors, but our

¹⁵ To comply with SMCRA, OSMRE requires AML grant recipients to prepare annual reports on progress made on SMCRA priorities.

¹⁶ *The Office of Surface Mining Reclamation and Enforcement Should Improve Efforts for Expending Infrastructure Investment and Job Act Funds* (Report No. 2023-INF-014), issued September 2024, <https://www.doi.gov/reports/evaluation/office-surface-mining-reclamation-and-enforcement-should-improve-efforts>.

¹⁷ Because this topic was outside the scope of our inspection, we did not evaluate the extent to which PA DEP sufficiently monitored other aspects of the subawards.

¹⁸ 2 C.F.R. § 200.332(d).

¹⁹ 2 C.F.R. § 200.319(a).

²⁰ 2 C.F.R. § 200.320.

²¹ 2 C.F.R. § 200.332.

analysis showed that PA DEP has executed 14 subgrants with funding of more than \$250,000, for a total of \$38.3 million. Each of these 14 subgrantees could issue contracts that would exceed the simplified acquisition threshold.²² With such a large amount of funding committed to subgrants, including \$38.3 million in subgrants with costs over \$250,000 already executed, monitoring subgrantees' contracting actions is critical to ensure IIJA AML funds are spent appropriately in Pennsylvania. Insufficient monitoring could allow for inappropriate contracting actions and creates an environment in which conflicts of interest can go undetected as PA DEP continues to develop its subgrant program.

Recommendation
<p>We recommend that OSMRE:</p> <ol style="list-style-type: none">5. Require the Pennsylvania Department of Environmental Protection to develop monitoring guidance for solicitation for contracts above the simplified acquisition threshold that are issued by subgrantees.

²² The simplified acquisition threshold, as defined in 48 C.F.R. § 2.1, is the amount above which formal procurement methods are required, such as open competition with sealed bids and selection of the lowest-price proposal. The threshold is currently set at \$250,000.

Conclusion and Recommendations

Conclusion

We found that dangerous abandoned mine sites exist in publicly accessible areas that are not marked with warning signs or secured from unauthorized activity. In addition, PA DEP misclassified non-IIJA project costs as IIJA in e-AMLIS, which could result in overreporting of projects completed with IIJA funding. Further, PA DEP was not tracking performance data outlined in OSMRE's guidance, affecting OSMRE's ability to accurately report to Congress progress made in spending the IIJA funds as required. Finally, while not part of our initial objective, we found that PA DEP did not conduct adequate monitoring to ensure its subgrantees are complying with Federal acquisition regulations. Given the substantial increase in AML funding provided by the IIJA—\$3.7 billion in Pennsylvania alone—proper monitoring and data tracking are critical to the success of the program.

We make five recommendations to help OSMRE more effectively manage the \$10.9 billion in IIJA AML grant funding over the next 12 years.

Recommendations Summary

We provided a draft of this report to OSMRE for review. In its response, and in subsequent communications, OSMRE concurred with four recommendations and did not concur with one recommendation. We clarified Recommendation 5 after reviewing OSMRE's response. We consider Recommendation 1 unresolved and Recommendations 2 through 5 resolved. We determined that Recommendation 1 is significant and will be reported as such in our semiannual report to Congress in accordance with the Inspector General Act.²³ Below we summarize OSMRE's response to our recommendations, as well as our comments on its response. See Appendix 3 for the full text of OSMRE's response; Appendix 4 lists the status of each recommendation.

We recommend that OSMRE:

1. Require the States, including the Pennsylvania Department of Environmental Protection, to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.

OSMRE Response: OSMRE did not concur with this recommendation. It stated that our recommendation “would create a new legal and financial obligation for State and Federal AML programs.” It stated that PA DEP and OSMRE’s “existing programs ensure safety to the public on any identified AML emergencies through fencing, signage or other appropriate measures to protect the public from these hazards,” and that, similarly, AML construction projects follow appropriate “State contracting, labor and other safety requirements.” OSMRE also stated that, to implement this recommendation, it “would need to adopt Federal Regulations impacting and asserting authority over privately held land, creating new financial and resource obligations and potential exposure to liability.” According to OSMRE, this would “divert substantial resources intended for AML reclamation,” which “would run counter to the desired effect of protecting the public.”

OIG Comment: Based on OSMRE's response, we consider this recommendation unresolved. We developed our recommendation after observing AML sites that remained publicly accessible even though they were identified for reclamation or undergoing reclamation work and represented a threat to public safety. For example, during a site visit adjacent to a public hiking trail, OIG staff learned they were standing directly on an AML feature at risk of collapse only because of a warning from PA DEP staff present on the visit—not from any visible sign or other indication of danger.

²³ The Inspector General Act of 1978, 5 U.S.C. § 405(b), requires inspectors general to prepare semiannual reports summarizing OIG activities during the immediately preceding six-month periods ending March 31 and September 30. It also states that these semiannual reports should include an identification of each “significant recommendation” described in previous semiannual reports on which corrective action has not been completed.

Federal regulations²⁴ require Federal awards to be administered in a manner that ensures programs operate in full accordance with constitutional, statutory, and regulatory provisions, including those protecting public welfare. We note that the provisions regarding funds provided for the purposes of AML reclamation specifically refer to public health and safety considerations.²⁵ Moreover, our recommendation broadly defers to the program to determine which sites represent a sufficient threat to public welfare as to be deserving of public warning or access control. This should lead to a minimal burden on recipients to identify sites where the State has already obtained landowner consent to perform reclamation work and that, often by definition, represent a risk to public health and safety. We note that it is unclear from OSMRE's response why it believes Federal regulations would be necessary to implement this recommendation. As OSMRE stated in its response, the AML program already protects the public from AML emergencies using signs and fencing without regulations mandating it. We see no reason this practice could not be extended to sites that represent a similar nonemergency danger, such as those we observed, without undergoing a formal rulemaking process.

We will consider this recommendation resolved when OSMRE requires recipients to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.

2. Review Infrastructure Investment and Jobs Act Electronic Abandoned Mine Land Inventory System data for inappropriate fund changes and correct mislabeled entries, including Pennsylvania Department of Environmental Protection Project Nos. PA001308 and PA007158.

OSMRE Response: OSMRE concurred with this recommendation and stated:

OSMRE determined both projects identified were self-edited by PADEP early in the process, were quickly identified by OSMRE staff, and subsequently corrected by PADEP. OSMRE will coordinate with its technical contractor to develop, implement, test and deploy components to eAMLIS intended to prevent inappropriate Program (fund) changes in the future; OSMRE will provide training to PA DEP staff on procedures for correctly identify[ing] and labeling Problem Areas. OSMRE to issue formal training policy as a pre-requisite for granting access to eAMLIS.

OSMRE provided an April 30, 2025 target implementation date.

OIG Comment: Based on OSMRE's response and subsequent communications, we consider this recommendation resolved. After its initial response, OSMRE clarified that in addition to correcting the two specific issues identified, it is undergoing current review of all entries for inappropriate fund changes. We will consider this recommendation implemented when OSMRE provides documentation demonstrating that the review of all e-ALMIS entries is complete.

3. Develop and conduct training with Infrastructure Investment and Jobs Act abandoned mine land grant recipients to ensure staff are familiar with data entry processes in the Electronic Abandoned Mine Land Inventory System, particularly those involving changing funding codes.

OSMRE Response: OSMRE concurred with this recommendation and stated that it "will conduct formal training with IJJA recipients, including offerings for Pennsylvania DEP staff, in an on-going basis." OSMRE stated that the "training will cover appropriate Program (fund) data entry policies and

²⁴ 2 C.F.R. § 200.300(a).

²⁵ 30 U.S.C. § 1231(a) appropriates IJJA funds for use by States and Indian Tribes for AML projects under SMCRA, codified at 30 U.S.C. § 1201 *et seq.* The Congressional Findings (30 U.S.C. § 1201) and Statement of Intent (30 U.S.C. § 1202) provisions of SMCRA state that the law was passed in part to "protect the health and safety of the public" (30 U.S.C. § 1201(d)). Further, provisions of SMCRA specifically regarding the reclamation of abandoned mines cite the "protection . . . of public health, safety and property from extreme danger of adverse effects" as the highest priority objective of the program (30 U.S.C. § 1233(a)(1)(A)), and the general "protection of public health and safety" as the third-highest priority even when the danger is not "extreme" (30 U.S.C. § 1231(a)(2)(A)). As noted previously, 2 C.F.R. § 200.300(a) requires Federal agencies and passthrough entities to manage and administer Federal awards "in full accordance" with relevant Federal statutes and regulations. Given the emphasis on public safety, inclusion of signage and access control mechanisms where necessary is consistent with these provisions.

refinements in eAMLIS. The training will also emphasize guidance document AML-1,” which contains the policies related to “Program (fund) data entry.”

OSMRE provided a December 31, 2025 target implementation date.

OIG Comment: Based on OSMRE’s response, we consider this recommendation resolved. We will consider it implemented when OSMRE provides documentation demonstrating that it has developed and conducted training with AML grant recipients.

4. Create an automated process in the Electronic Abandoned Mine Land Inventory System to identify funding code edits for additional review.

OSMRE Response: OSMRE concurred with this recommendation and stated it “will coordinate with its technical contractor to develop, implement, test and deploy components to eAMLIS intended to prevent inappropriate Program (fund) changes, and create an automated review process for OSMRE staff.”

OSMRE provided a December 31, 2025 target implementation date.

OIG Comment: Based on OSMRE’s response, we consider this recommendation resolved. We will consider it implemented when OSMRE provides documentation demonstrating it has completed updates intended to prevent inappropriate fund changes in e-AMLIS and created an automated process for OSMRE staff review.

5. Require the Pennsylvania Department of Environmental Protection to develop monitoring guidance for solicitation for contracts above the simplified acquisition threshold that are issued by subgrantees.

OSMRE Response: OSMRE concurred with this recommendation and stated, “PADEP must properly monitor subrecipient . . . compliance with Federal regulations.” It further stated that it “will conduct a review of this requirement and will take appropriate action, to ensure PADEP is properly monitoring subrecipient . . . compliance with Federal regulations.”²⁶

OSMRE provided a December 31, 2025 target implementation date.

OIG Comment: Based on OSMRE’s response and subsequent communications, we revised this recommendation to clarify that it applies only to contracts issued by subgrantees, and we consider it resolved. We will consider this recommendation implemented when OSMRE provides evidence that PADEP developed monitoring guidance for the solicitation of contracts above the simplified acquisition threshold that are issued by subgrantees.

²⁶ OSMRE originally disagreed with Recommendation 5. However, after receiving OSMRE’s response to our draft report, we revised this recommendation to clarify that it was specific to contracts issued by subgrantees. During subsequent communications with OSMRE, it concurred with our updated recommendation.

Appendix 1: Scope and Methodology

Scope

Our inspection focused on the Pennsylvania Department of Environmental Protection's (PA DEP's) implementation of abandoned mine land (AML) reclamation projects funded under the Office of Surface Mining Reclamation and Enforcement's (OSMRE's) Infrastructure Investment and Jobs Act (IIJA) AML reclamation grants. We conducted an in-person site visit of 14 Pennsylvania AML project sites from July 22 to July 26, 2024 (see Appendix 2). We reviewed PA DEP's eligibility determinations and grant and contract agreements for all sites visited. We reviewed PA DEP's Electronic AML Inventory System (e-AMLIS) inventory data from Quarter 3 (Q3) of 2021 and Quarter 1 (Q1) of 2024 and IIJA-funded subaward and contract information.

Methodology

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions and recommendations. In the interest of timeliness, we limited our travel and sampling of sites visited to one geographic region, which could affect outcomes.

To accomplish our objectives, we:

- Obtained and reviewed laws, regulations, policies, and guidance related to OSMRE's AML reclamation grant program and PA DEP's AML reclamation program.
- Reviewed Pennsylvania single audits and prior coverage of OSMRE's AML reclamation grant program and PA DEP's AML reclamation program.
- Obtained and reviewed PA DEP's AML reclamation plan and site safety requirements.
- Interviewed OSMRE and PA DEP personnel involved in IIJA-funded AML projects to gain an understanding of AML reclamation program requirements, grant reporting requirements, inventory data requirements, subrecipient determination requirements, and associated processes.
- Obtained Pennsylvania's e-AMLIS inventory data for Q3 of 2021 and Q1 of 2024 and analyzed the full population of data to determine compliance with eligibility and data quality requirements.
- Obtained and reviewed subrecipient information from PA DEP to verify eligibility to receive subawards.
- Selected a judgmental sample of 14 in-progress and planned Pennsylvania AML reclamation sites. Conducted an in-person visit to each project site and to the PA DEP regional office in Ebensburg, Pennsylvania. Interviewed staff from PA DEP and IIJA subrecipient organizations. Obtained and reviewed grant and contract agreements and eligibility determinations associated with each IIJA site. Observed sites for indications of risk to public safety.

Appendix 2: Sites Visited

Site Name	Site Number	Priorities and Problem Types
Alvan	PA000280	Priority 2 – Portal Priority 3 – Highwall Priority 3 – Spoil
Ben's Creek	PA002702	Priority 2 – Dangerous Piles and Embankments Priority 3 – Gobs
Blacklick	PA002722	Priority 2 – Clogged Stream Priority 2 – Vertical Opening Priority 3 – Water Problems
Bovard	PA001199	Priority 2 – Dangerous Piles and Embankments
Chalfant Run	PA000459	Priority 3 – Water Problems
Crabtree	PA000436	Priority 3 – Water Problems
McIntyre Neal Run	PA002461	Priority 2 – Clogged Stream Priority 3 – Other Priority 3 – Gobs
Melcroft	PA000429	Priority 3 – Water Problems
Monastery Run	PA002533	Priority 3 – Water Problems
Muse	PA000962	Priority 2 – Dangerous Piles and Embankments Priority 2 – Hazardous Equipment or Facilities
Newlonsburg South	PA000947	Priority 3 – Water Problems
Point Stadium	PA004367	Priority 2 – Portal Priority 2 – Dangerous Highwalls Priority 3 – Haul Road
St. Boniface West	PA003096	Priority 2 – Dangerous Highwalls Priority 3 – Spoil
Vintondale	PA002464	Priority 2 – Dangerous Piles and Embankments

Appendix 3: Response to Draft Report

The Office of Surface Mining Reclamation and Enforcement's response to our draft report follows on page 19.



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT Washington, D.C. 20240



March 17, 2025

Memorandum

To: Caryl Brzymialkiewicz
Deputy Inspector General
Office of Inspector General

From: Glenda H. Owens
Deputy Director

**GLENDA
OWENS**

Digitally signed by GLENDA
OWENS
Date: 2025.03.17 18:39:31
-04'00'

Subject: Office of Surface Mining Reclamation and Enforcement response to the Office of Inspector General Draft Report entitled: *OSMRE and Pennsylvania Have Opportunities To Improve as They Prepare To Spend \$3.7 Billion in Infrastructure Investment and Jobs Act Funding (Report No. 2024-ISP-020)*

This memorandum transmits the Office of Surface Mining Reclamation and Enforcement's (OSMRE) responses to audit recommendations and corrective action plans to properly assess risks associated with grants issued to the Pennsylvania Department of Environmental Protection (PADEP). OSMRE management is committed to improving its oversight and management of state and Tribal Abandoned Mine Land (AML) programs, along with grants awarded under the Infrastructure Investment and Jobs Act (IIJA). See responses listed below.

Recommendation 1: Require the States, including the Pennsylvania Department of Environmental Protection, to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.

Response: OSMRE does not concur with this recommendation. The OIG report notes the varying dangers that AMLs present to the public. However, the statutory direction for OSMRE's AML Reclamation Program is to address hazards and environmental degradation posed by legacy coal mines through reclamation, in a risk-based, prioritized manner with funds as they are made available. The OIG report acknowledges that OSMRE and PADEP do not have any program wide policy or procedures requiring the placement of warning signs or controlling access to all AML sites, and that there are no nationwide statutory or regulatory requirements for access restriction to AMLs or posting of safety signs highlighting their danger. The OIG recommendation would create a new legal and financial obligation for State and Federal AML programs (this situation is identical to the other AML programs across the Nation) to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.

PADEP and OSMRE's existing programs ensure safety to the public on any identified AML emergencies through fencing, signage or other appropriate measures to protect the public from these hazards. Similarly, any AML projects that are under construction are protected as required and appropriate by State contracting, labor and other safety requirements. The public is protected from AML sites on public lands (Federal, state or Tribal) by the land holding governmental entity that holds the property and is solely responsible for appropriate signage, access control or other appropriate measures.

To implement this recommendation, OSMRE would need to adopt Federal Regulations impacting and asserting authority over privately held land, creating new financial and resource obligations and potential exposure to liability of the Federal government and AML programs. The recommendation would divert substantial resources intended for AML reclamation and the results would run counter to the desired effect of protecting the public through the reclamation and elimination of AML hazards and sites.

Responsible Party: Interior Regions 1 & 2, Appalachian Region

Target Date: N/A

Recommendation 2: Review Infrastructure Investment and Jobs Act Electronic Abandoned Mine Land Inventory System data for inappropriate fund changes and correct mislabeled entries, including Pennsylvania Department of Environmental Protection Project Nos. PA001308 and PA007158.

Response: OSMRE concurs with this recommendation. OSMRE determined both projects identified were self-edited by PADEP early in the process, were quickly identified by OSMRE staff, and subsequently corrected by PADEP. OSMRE will coordinate with its technical contractor to develop, implement, test and deploy components to eAMLIS intended to prevent inappropriate Program (fund) changes in the future; OSMRE will provide training to PA DEP staff on procedures for correctly identify and labeling Problem Areas. OSMRE to issue formal training policy as a pre-requisite for granting access to eAMLIS.

Responsible Party: Program Support Directorate

Target Date: April 30, 2025

Recommendation 3: Develop and conduct training with Infrastructure Investment and Jobs Act abandoned mine land grant recipients to ensure staff are familiar with data entry processes in the Electronic Abandoned Mine Land Inventory System, particularly those involving changing funding codes.

Response: OSMRE concurs with this recommendation. OSMRE will conduct formal training with IJA recipients, including offerings for Pennsylvania DEP staff, in an on-going basis.

The training will cover appropriate Program (fund) data entry policies and refinements in eAMLIS. The training will also emphasize guidance document AML-1 in which the policies surrounding Program (fund) data entry and refinements are clearly defined.

Responsible Party: Program Support Directorate

Target Date: December 31, 2025

Recommendation 4: Create an automated process in the Electronic Abandoned Mine Land Inventory System to identify funding code edits for additional review.

Response: OSMRE concurs with this recommendation. OSMRE will coordinate with its technical contractor to develop, implement, test and deploy components to eAMLIS intended to prevent inappropriate Program (fund) changes, and create an automated review process for OSMRE staff.

Responsible Party: Program Support Directorate

Target Date: December 31, 2025

Recommendation 5: Require the Pennsylvania Department of Environmental Protection to develop monitoring guidance for solicitation for contracts above the simplified acquisition threshold.

Response: OSMRE does not concur with this recommendation. While OSMRE concurs that PADEP must properly monitor subrecipient and contractor compliance with Federal regulations, however it cannot currently concur that PADEP is failing to perform appropriate monitoring. We will conduct a review of this requirement and make appropriate action. The OIG references conversations that led to its conclusion; however, it gives no indication that staff involved in the conversation were associated with procurement compliance. In like manner, OIG does not reference any request made of PADEP for the State's written guidance or policy on this subject. OSMRE will conduct a review of this requirement and will take appropriate action, to ensure PADEP is properly monitoring subrecipient and contractor compliance with Federal regulations.

Responsible Party: Program Support Directorate and Interior Regions 1 & 2, Appalachian Region

Target Date: December 31, 2025

Appendix 4: Status of Recommendations

Recommendation	Status	Action Required
2024-ISP-020-01 We recommend that the Office of Surface Mining Reclamation and Enforcement (OSMRE) require the States, including the Pennsylvania Department of Environmental Protection, to place warning signs and, when practical, access control mechanisms at dangerous sites that are accessible to the public and have been identified for reclamation with Federal funding.	Unresolved	We will meet with OSMRE to further discuss resolution of this recommendation.
2024-ISP-020-02 We recommend that OSMRE review Infrastructure Investment and Jobs Act Electronic Abandoned Mine Land Inventory System data for inappropriate fund changes and correct mislabeled entries, including Pennsylvania Department of Environmental Protection Project Nos. PA001308 and PA007158.		
2024-ISP-020-03 We recommend that OSMRE develop and conduct training with Infrastructure Investment and Jobs Act abandoned mine land grant recipients to ensure staff are familiar with data entry processes in the Electronic Abandoned Mine Land Inventory System, particularly those involving changing funding codes.	Resolved	We will track implementation.
2024-ISP-020-04 We recommend that OSMRE create an automated process in the Electronic Abandoned Mine Land Inventory System to identify funding code edits for additional review.		
2024-ISP-020-05 We recommend that OSMRE require the Pennsylvania Department of Environmental Protection to develop monitoring guidance for solicitation for contracts above the simplified acquisition threshold that are issued by subgrantees.		



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

REPORT FRAUD, WASTE, ABUSE, AND MISMANAGEMENT

The Office of Inspector General (OIG) provides independent oversight and promotes integrity and accountability in the programs and operations of the U.S. Department of the Interior (DOI). One way we achieve this mission is by working with the people who contact us through our hotline.

WHO CAN REPORT?

Anyone with knowledge of potential fraud, waste, abuse, misconduct, or mismanagement involving DOI should contact the OIG hotline. This includes knowledge of potential misuse involving DOI grants and contracts.

HOW DOES IT HELP?

Every day, DOI employees and non-employees alike contact OIG, and the information they share can lead to reviews and investigations that result in accountability and positive change for DOI, its employees, and the public.

WHO IS PROTECTED?

Anyone may request confidentiality. The Privacy Act, the Inspector General Act, and other applicable laws protect complainants. Specifically, 5 U.S.C. § 407(b) states that the Inspector General shall not disclose the identity of a DOI employee who reports an allegation or provides information without the employee's consent, unless the Inspector General determines that disclosure is unavoidable during the course of the investigation. By law, Federal employees may not take or threaten to take a personnel action because of whistleblowing or the exercise of a lawful appeal, complaint, or grievance right. Non-DOI employees who report allegations may also specifically request confidentiality.

If you wish to file a complaint about potential fraud,
waste, abuse, or mismanagement in DOI,
please visit OIG's online hotline at **www.doioig.gov/hotline**
or call OIG's toll-free hotline number: **1-800-424-5081**