

CHAPTER 5-110 REGULATORY ADMINISTRATION AND ENFORCEMENT GRANTS

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5-110-00 What does this chapter do?

This chapter explains our requirements for regulatory Administration and Enforcement (A&E) grants awarded to your State or Tribal coal regulatory program by us, the Office of Surface Mining Reclamation and Enforcement (OSM).

5-110-10 What is the purpose of regulatory A&E grants?

We award regulatory A&E grants to support your regulatory program approved under Section 503 of the Surface Mining Control and Reclamation Act (SMCRA).

5-110-20 Who is eligible for an A&E grant?

To be eligible for an A&E grant, your State or Tribe must meet both of the following requirements.

- A. You must have an approved program to regulate surface coal mining.
- B. You must have a single agency designated in writing by the Governor or head of the Tribal governing body to receive and administer the grants.

5-110-30 What are the non-Federal funding requirements for A&E grants?

- A. States must provide non-Federal funds to cover part of the costs of operating your program.
 - 1. We normally approve Federal funding for A&E grants up to 50% of the total costs for administering and enforcing your program. SMCRA requires 50% match for costs of regulatory program operations on non-Federal lands by a State which has received more than two years of regulatory funding.
 - 2. If this is your first A&E grant and we have not awarded you a program development grant, we may award up to 80% of the total costs for administration and enforcement of the program.
 - 3. If this is your second year of funding, we may award up to 60% of the total costs.

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4. We may reimburse you up to 100 percent of your total costs to regulate Federal lands. See Chapter [5-120](#) for policies on Federal lands funding.
- B. Tribes are not required to provide non-Federal funding.

5-110-40 What costs are allowable under your A&E grant?

- A. You may charge costs to your grant if they are necessary to administer and enforce your program and if they meet one of the following standards:
1. Costs are for activities directly identified in your approved program.
 2. Support costs are for the activities identified in your program, including such activities as equipment and support services.
 3. Costs are to develop an amendment to your approved program.
- B. Costs must be allowable according to the Office of Management and Budget's (OMB) *Cost Principles for State, Local and Indian Tribal Governments* at 2 CFR 225 (formerly OMB Circular A-87). See Chapter [3-100](#) for more information.
- C. You may charge costs to purchase real property only if you comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

5-110-50 What costs are unallowable under an A&E grant?

- A. You may not charge costs to the regulatory A&E grant which are not related to the administration and enforcement of the permanent coal regulatory program.
- B. You may not charge costs for activities that significantly deviate from those identified in your approved program.
- C. You may not give financial assistance to mine operators. However, you may provide general technical assistance.
- D. You may not charge costs which are unallowable according to the OMB cost principles (2 CFR 225).

5-110-60 What is the performance period for an A&E grant?

We normally award regulatory A&E grants for a twelve month performance period.