

***D R A F T***

**MINING AND RECLAMATION ADVISORY BOARD (MRAB)**

**Thursday, July 8, 2004  
Best Western Genetti Lodge, Hazleton, PA  
8:30 a.m.**

Members/Alternates in attendance: Mark Snyder (Co-Chair), Steve Shrawder (Member), Sue Wilson (Alternate), David Strong (Member), Stan Geary (Alternate), George Ellis (Alternate), Sue Germanio (Alternate), David Osikowicz (Member), David Mankamyer (Member) and John Ford (Alternate).

Others in attendance: Joe Pizarchik (DEP), Brian Bradley (DEP), Rod Fletcher (DEP), Nevin Strock (DEP), Jeff Kost (Pa. Game Commission), Joe Schueck (DEP), John Meehan (DEP), Bruce Golden (WPCAMR), Mike Ferko (DEP), Deb Simko (WPCAMR), Don Barnes (DEP), Jason Tarnowski (Pagnotti Enterprises, Inc.), Maureen Shannon (Babst, Calland, Clements and Zomnir), Steve Kepler (Pa. Fish and Boat Commission), Pasco L. Schiavo (citizen) and Lara Logan (DEP).

**Meeting Called to Order**

MRAB Board Vice-Chairman Mark Snyder called the meeting to order at 8:30 a.m. Vice-Chairman Snyder welcomed everyone and asked that all present introduce themselves.

A motion was made by Dave Mankamyer, seconded by Steve Shrawder, and approved by the Board to accept the minutes of the April 22 quarterly meeting and the May 20 special meeting of the Regulation, Legislation and Technical Committee.

**Communications**

Mr. Snyder asked Nevin Strock to draft a letter to Chairman Fred Wolf, thanking him for his years of service as Board Chair. Mr. Wolf is relinquishing the chairmanship for health reasons.

The Board then discussed the July 7 field trip, thanking Mike Ferko of the Wilkes-Barre Bureau of Abandoned Mine Reclamation office for his help in organizing the trip. Mr. Ferko told the Board that the cost to reclaim remaining abandoned mine land in the anthracite region is approximately \$1.2 billion.

## **Committee Reports**

The *Policy Committee* had no report.

The *Reclamation Committee* had no report.

The *Regulation, Legislation and Technical Committee* (Dave Osikowicz, Committee Chair):

The Committee reported on the Department's preliminary outreach regarding revision of bonding-related documents. The Land Maintenance Financial Guarantees technical guidance document is a new document, and will take longer to review. The Conventional Bonding for Land Reclamation document is being revised. Joe Pizarchik stated that after the Board gives its suggestions on this document, it will be released for public comment, then published as final. It was decided that the Committee will meet at 11:00 a.m. on August 24 to discuss these guidances. A meeting of the full board will be held at 2:00 p.m. that day to discuss recommendations of that Committee as well as other agenda items.

## **Grayfields Legislation**

Joe Pizarchik reviewed the Grayfields legislation, a bill that provides protection and immunities and incentives for people to reclaim and reuse abandoned mine lands and mine water. The legislation is geared towards restoration of the mine lands, remining improvements and creation of jobs. He compared this legislation to Brownfields legislation, and said that this legislation does not include fees or fundraising, which are expected to come from Growing Greener II monies. The Board requested the Grayfields Legislation be placed in the agenda for the August 24 meeting.

Mr. Pizarchik then asked the Board for suggestions on implementing Section 4.9 (relating to Designating Areas Suitable for Reclamation by Remining). The Department has not been able to develop a workable program. Main problems faced include ensuring that mineral owners would actually allow mining, obtaining funding resources to conduct necessary studies/tests, and obtaining right of entry onto private land to conduct drilling/collection of data. George Ellis asked if the Department thinks this is a meaningful program. Mr. Pizarchik answered yes, but they are having a hard time making it work. Mr. Ellis suggested canvassing the industry to get their opinion, and follow up with it after that.

Mr. Pizarchik also asked for suggestions regarding existing regulations and policies governing water supply replacement. Six public open-house meetings were recently held to receive comments and suggestions from the public. The response was disappointing and did not provide any meaningful insights for resolution of the issues. Mr. Pizarchik added that many citizens do not know their rights in the situation. He asked for suggestions from the Board that could be used in regulations to avoid disputes. The current policies are based on factors that have changed with time. It was suggested that Mr. Pizarchik supply the Board with a packet of information that includes the current policies and legislation, a summary of the meetings and a list of outstanding

issues. The issue was assigned to the Regulation, Legislation and Technical Committee, but the full board will still get the packet of information.

### **Orphan Mine Discharge Task Force**

Joe Schueck spoke on the presentations he has given at various workshops and conferences, such as the OSM Mine Pool Workshop in Morgantown, WV. He then referred to a few of the points made in the Action Plan. In the first point, DEP was to prepare and issue an RFP for the demonstration of new or improved technology related to mine pool water. Notice of the RFP will be published in the July 17 *Pa. Bulletin*. The notice will also be posted on the WPCAMR and EPCAMR webpages. Mr. Ellis had questioned the wording of #9 at the last meeting. It originally was worded “The DEP supports the adoption of this program as the official tool for calculating costs.” The wording has been changed to state “The DEP supports adoption of this program as a tool for calculating costs.”

It was decided that Dave Strong and Dave Mankamyer would meet with Deputy Secretary Scott Roberts about the Orphan Mine Discharge issues, and report back to the Board and see if it wants to promote the idea more. If the Board feels the issues have been resolved, the Task Force will be dissolved. Mr. Ellis suggested inviting Secretary McGinty to the next Board meeting.

### **Primacy Bond Reclamation Program**

Don Barnes of the Cambria District Mining Office reported on the transfer of the Primacy Bond Program from the Bureau of Abandoned Mine Reclamation to the Bureau of District Mining Offices. Responsibility for reclamation of active mine sites has always been with the District Offices and they have always felt a strong obligation in getting sites reclaimed. The District Offices are connected locally, and have a good track record in working out agreements with surety companies and operators.

### **Abandoned Mine Reclamation Projects**

Brian Bradley reported on the status of BAMR’s projects. There are 36 new projects using BAMR’s staff and equipment, and 18 current projects. Some of last year’s projects remain to be completed.

### **New Business**

Mr. Snyder created a nominating committee to name a nominee for Chairman (to replace Chairman Fred Wolf) and for Vice-Chairman. George Ellis will chair the committee, and the other committee members will be Sue Germanio and Sue Wilson. They will give their recommendation at the next meeting.

Mr. Snyder asked the Annual Report Committee to begin development of the Annual Report. Richard Fox was asked to take the lead on drafting the report.

Mr. Pizarchik discussed the OSM Mine Pool Workshop, held in WV, and noted that many states are following Pennsylvania's example.

The Department acknowledged plans for developing a general permit under the Air Pollution Control Act for coal mining related facilities and a MOU between the Air Program and Mining Program to facilitate coordination under the General Permit.

Stan Geary and George Ellis, PA Coal Association, raised concerns with the Department's Chapter 86 Coal Mining Amendments final rulemaking language.

Bruce Golden will distribute computer disks from the AMD conference to anyone who requests one.

The meeting was concluded at 11:40 a.m.