

D R A F T

**MINING AND RECLAMATION ADVISORY BOARD (MRAB)
REGULATION, LEGISLATION & TECHNICAL COMMITTEE**

**Tuesday, August 24, 2004
Rachel Carson State Office Building
10th Floor Conference Room
11:00 p.m.**

Members/Alternates in attendance: David Osikowicz (Chair), Jack Chamberlin (Member), Sue Wilson (Alternate), David Strong (Member), Stan Geary (Alternate), George Ellis (Alternate), Sue Germanio (Alternate), and Joseph Deklinski (Alternate).

Others in attendance: Joe Pizarchik (DEP), Nevin Strock (DEP), Bill Allen (DEP), John Meehan (DEP), and Lara Logan (DEP).

Meeting Called to Order

Committee Chairman David Osikowicz called the meeting to order at 9:00 a.m.

Land Maintenance Financial Guarantees Technical Guidance Document (TGD)

Bill Allen of DEP gave a short summary of the Land Maintenance Financial Guarantees TGD. The purpose is to provide for the bonding coverage for mine sites that are awaiting final bond release, and to allow the private sector bond to be released in a shorter period of time. There is potential liability in place for not having a completion report filed, so a new fee was created to cover the costs of publication in the *Pa. Bulletin*.

Stan Geary asked that lines 14 to 28 on Page 3 of the TGD be deleted, since the Department will publish the notice in the *Pa. Bulletin* if the site meets standards for bond release.

A letter to MRAB Chairman Mark Snyder from Michal Jones-Stewart with suggestions and changes to the TGD was discussed. Ms. Stewart suggested that larger sites be allowed to guarantee the site using small increments. Mr. Allen said that maintenance bonds are not calculated until the entire site is eligible, so it cannot be measured in increments.

Ms. Stewart also asked that language regarding the submittal of the request of participation be revised to reflect an agreement between the operator and the Department. Jack Chamberlin suggested that there be a section added to the Bond Submittal Form to reflect this agreement.

Ms. Stewart stated in the letter that she felt there is no reason why additional fees for administration be added to the document. John Meehan and Joe Pizarchik of DEP explained that the amount of staff in the Department has decreased greatly, and the money collected will aid in

funding the extra manpower needed. Mr. Pizarchik said he will investigate where the fee goes once collected by the Department. Mr. Geary suggested that the fee collected to ensure that the operator does the completion report could be used as credit. If the operator does indeed fulfill their obligation, the money could be used towards the next permit.

Mr. Geary offered the following changes and suggestions.

- Page 1, Line 13: The wording should be changed. The document says “onetime payment,” but the application says “Dates and Amounts.”
- Page 2, Line 8: It should say “1.5% per year.” The wording is not clear. Mr. Pizarchik suggested adding an example to clarify the amount.
- Page 4, Line 17: The document refers to the Coal Refuse Disposal Act, yet the document says coal refuse disposal sites are not eligible.

George Ellis moved that the committee recommend to the full Board that the document be approved, with the changes and suggestions made by the Board. Jack Chamberlin seconded the motion, and the Board approved it.

Conventional Bonding for Land Reclamation – Coal TGD

John Meehan of DEP gave a quick overview of the changes to the Conventional Bonding TGD. Mr. Ellis asked how the changes would be conveyed to the District Mining Offices (DMOs). Mr. Meehan said that the DMOs would review the changes when the document was put out for public comment. Mr. Meehan and Mr. Allen of DEP would also meet with the compliance managers and inspector supervisors. Mr. Ellis said that a lot of the DMOs do things differently, and Mr. Pizarchik suggested that the Department start an annual review of the DMOs, as well as doing a walk-through of the new system.

Mr. Geary discussed the following changes/suggestions:

- Page 1, Line 125: The document does not establish bond rates. Delete this phrase.
- Page 3, Lines 11-14: Delete “by the Department in Appendix A of this document,” or change letter of appendix. Appendices should be put in order as they relate to the document itself, not in order of importance.
- Page 3, Lines 19-21: Description of Clean Streams Law is not necessary. Also remove editorial comment.
- Page 5, Line 25: Correct reference to appendix.
- Page 6, Line 25: Delete “to regulatory standards.”
- Page 7, Lines 39-42: What if the spoil is greater than or less than 500 feet? Change to reflect that the spoil should be within 500 feet, not exactly 500 feet.
- Page 10, Lines 9-15: Specify the percentage of direct costs.
- Page 10, Line 39: Correct reference to appendix.
- Page 13, Line 36: Give a description for the exemption from annual review. It was done in the original document and should stay in the revision.

- Page 13, Lines 42-45: Add the phrase “included but not limited to” regarding the examples of exemptions from annual review.

Mr. Ellis moved that the Department publish the TGD for public comment, then bring it to the full Board to review again before final publication. Joe Deklinski seconded the motion, and it was approved by the Committee.

The meeting was adjourned at 1:30 p.m.