

Annual Report

July 2002 – June 2003



A Message From MRAB Chairman Fred W. Wolf

September, 2003

On behalf of the Mining and Reclamation Advisory Board (MRAB), I am pleased to present this report, detailing the board's activities from July 2002 to June 2003.

The board continues to address environmental problems related to past coal mining practices, while ensuring that today's operators do not contribute to these problems. To meet this end, the board created a special task force on orphan mine discharges, made recommendations to enhance re-mining incentives, and appointed a select committee to support the reauthorization of the Federal Abandoned Mine Land (AML) Fund.

The board met five times during this period, beginning with a field tour to Pottsville to tour sites affected by anthracite coal mining and other facilities, including the Rausch Creek Water Treatment Plant and the Schuylkill Generating Station. The tour highlighted a number of area projects to reclaim abandoned mine lands and treat streams affected by acid mine drainage, and ended with a walk through a cogeneration plant operated by Reading Anthracite that supports a fish hatchery. These projects reaffirmed the benefits of working together to solve our common environmental problems.

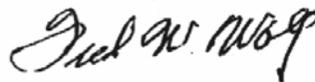
The board received confirmation of its authority to review water issues related to reclamation and used that authority to encourage the Department in finding better ways to treat acid mine discharges, as well as alternative uses of mine pool water by industries that may find it more economical and available than traditional clean water sources.

The transition from the alternate bonding system to conventional bonding continued to receive the board's attention, especially as the change may discourage re-mining projects. This problem and others were addressed by the board in its recommendations included in the 2001-2002 SMCRA Re-mining Incentives Report to the Pennsylvania General Assembly.

Of the board's four committees, the Reclamation Committee was the most active, continuing to focus on the use of dredged materials at the Bark Camp and Tamaqua sites, and contributing to the efforts of the Orphan Mine Discharge Task Force.

I thank all board members, alternates, speakers and DEP staff for their participation and support. The MRAB will continue to serve the Commonwealth with integrity.

Sincerely,



Fred W. Wolf, P.E. Chairman

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Introduction

The Mining and Reclamation Advisory Board (MRAB) was created in 1984 by Act 181, the Surface Mining Conservation and Reclamation Act (SMCRA), of the Pennsylvania General Assembly. The board's purpose is to assist the secretary of the Department of Environmental Protection (DEP) in expending reclamation funds provided by SMCRA and to advise the secretary on all matters pertaining to mining and reclamation. The advisory role of the board also covers Title IV of the federal Surface Mining Control and Reclamation Act, which relates to abandoned mine land reclamation issues.

The board is comprised of the following members:

- Two licensed bituminous surface mine operators;
- One licensed anthracite surface mine operator;
- Four public members of the Citizens Advisory Council, elected by the Council;
- One anthracite and one bituminous licensed professional engineer;
- One county conservation district representative, appointed by the Pennsylvania State Conservation Commission;
- One majority party state senator, appointed by the president pro tempore of the Senate;
- One minority party state senator, appointed by the president pro tempore of the Senate;
- One majority party state representative, appointed by the speaker of the House of Representatives; and
- One minority party state representative, appointed by the speaker of the House of Representatives.

The board operates under bylaws adopted in January 1989 and amended in October 1993 and December 1996. The bylaws establish a committee structure and other operational procedures, including a minimum of four meetings per year, held in January, April, July and October, as required by SMCRA. ***The bylaws current for the time period covered by this report are found in Appendix A.***

The Board's Committees

- **Annual Report Committee**

As mandated by 18(g)(5) of SMCRA, "The board shall prepare an annual report on its activities and submit the report to the Senate Environmental Resources and Energy Committee and the House Conservation Committee." Throughout the reporting period, the committee compiles and summarizes information for inclusion in the Annual Report.

Members of the committee:

Susan Germanio, Chairperson
Richard Fox, Co-Chair
Susan Wilson (Alternate)
Fred Wolf

- **Policy Committee**

The Policy Committee held its initial meeting in October 1993 (then called the Policy and General Issues Committee). Its mission is to consider mining and reclamation policies identified as integral to the timely and efficient administration and operation of DEP's mining regulatory and abandoned mine reclamation programs.

Members of the committee:

Mark Snyder, Chairperson
John Ford (*Alternate*)
David Mankamyer
Susan Wilson (*Alternate*)
Fred Wolf

- **Reclamation Committee**

The Ad Hoc Committee on Reclamation Issues was originally formed at the July 1997 board meeting in response to concerns regarding the Bark Camp Mine Reclamation Laboratory in Clearfield County, the Reed and Strattanville sites in Clarion County and a package of reclamation initiatives being developed under DEP's "Reclaim PA" program.

At the Oct. 22, 1999 MRAB quarterly meeting, the board voted unanimously to change the name to the Reclamation Committee to reflect the committee's ongoing work. The committee addresses reclamation issues, initiatives and activities.

Members of the committee:

David Strong, Chairperson
Duane Feagley (*Alternate*)
Walter Heine
David Mankamyer
David Osikowicz
Susan Wilson (*Alternate*)
Fred Wolf
Michael Young (*Alternate*)

Robert Hughes of the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation and *Deb Simko* of the Western Pennsylvania Coalition for Abandoned Mine Reclamation act as resource contacts at the committee's request.

● **Regulation, Legislation and Technical Committee**

The Regulation, Legislation and Technical Committee reviews all major regulatory packages coming before the board during the reporting period and reports back to the full board. An explanation of each package is presented under the section titled **The Full Board**. Legislative matters are also presented to the committee for its review. Descriptions of those issues can also be found in **The Full Board** section.

Members of the committee:

David Osikowicz, Chairperson
Jack Chamberlin
Sen. Raphael Musto
Sen. James J. Rhoades
Rep. James E. Shaner
Rep. Samuel H. Smith
Susan Wilson (*Alternate*)
Fred Wolf

The Full Board

SMCRA mandates that the MRAB meet four times per year. Throughout the reporting period, the full board met five times, beginning with a field tour during the July 2002 meeting. The following sections provide a detailed summary of the activities of the full board. For a complete list of meeting dates and locations, see **Appendix D**.

July 11-12, 2002 (Pottsville/Anthracite Field Tour)

The first meeting during the reporting period featured a field trip to Schuylkill County on July 11 to visit the following sites:

- Pottsville Sharp Mountain Crop Falls
- Maple Springs Breaker (biosolids reclamation)
- Summit Anthracite Deep Mine
- Rausch Creek Treatment Plant
- Girard Estate Centralia Open Pit Mine
- Blaschak Coal Company Raven Run
- Gilberton Coal Company (flyash reclamation)
- Schuylkill Generating Station (Reading Anthracite/flyash & biosolids reclamation & Fish Plant Tour)

The board met on July 12 at the Pottsville District Mining Office of DEP. Twelve board members/alternates¹ attended. None of the committees had met since the last meeting. Chairman Wolf expressed concern that he was not getting the cooperation he needed to fulfill his obligations to the board, and David Strong agreed that more members needed to become involved in meetings and issues. The general consensus was that Mr. Wolf should continue as Chairman.

The board then received several technical presentations:

Bureau of Abandoned Mine Reclamation

Brian Bradley, of the Bureau of Abandoned Mine Reclamation (BAMR), presented the bid proposals for May and June, 2002, and advised that the figures for July, 2002, should be available on the web. Brian will provide similar reports at future board meetings.

Environmental Laboratory Accreditation Act

Scott Perry, of the Bureau of Regulatory Counsel, explained that the Act (Act 25 of 2002) establishes standards and registration requirements for environmental laboratories. A regulatory program must be designed by the Department.

¹ Fred Wolf, Chair; Members Jack Chamberlin, David Mankamy; David Osikowicz, Mark Snyder, David Strong and Margaret Urban; and Alternates Duane Feagley, Richard Fox, Susan Germanio, Patricia Krommes and Michael Young.

Technical Guidance Document – Insurance Requirements and Water Supply Replacement Assistance (TGD # 562-2500-702)

At a prior meeting of the board on April 25, 2002, Keith Brady, hydrologist, Bureau of Mining and Reclamation (BMR), explained that the changes proposed by the TGD were required to assure that surface mining operators have adequate insurance and to determine if additional insurance is required for replacement of public water supplies. At that meeting, Scott Roberts, deputy secretary for Mineral Resources Management, stated that there was no urgency for adoption of the guidance, and Michael Young (alternate, Pennsylvania Coal Association [PCA]) asked that the issue be deferred until this meeting. However, Mr. Young again had questions about the need for all operators to have insurance when it may only be required in certain cases. It was decided that an insurance representative would be invited to a future meeting of the Regulation, Legislation and Technical Committee for further discussion.

Stay Out and State Alive

Paul Hummel, director of the Bureau of Deep Mine Safety (BDMS), gave a brief presentation of the department's new public education program. He distributed posters and offered to partner with the board in this effort to warn the public about the dangers of entering upon mine sites.

Pennsylvania Conference on Abandoned Mine Reclamation

Bruce Golden, of the Western Pennsylvania Coalition for Abandoned Mine Reclamation (WPCAMR), told the board that the conference included an outreach program for teachers to show them how to incorporate water plans into classroom instruction.

Ad Hoc Committee to Review Mission Statement and By-laws of the Board

This new committee was established by general consensus, and David Mankamyer was unanimously selected to chair the committee and work with volunteers from the board. The Ad Hoc Committee may meet in conjunction with the Regulation, Legislation and Technical Committee.

The next board meeting was scheduled for October 24, 2002 in Harrisburg, and the meeting was adjourned at 11:10 a.m.

October 24, 2002 (Harrisburg)

The board met October 24, 2002, in the Rachel Carson State Office Building in Harrisburg. Thirty-six people attended, including 13 board members/alternates,² and representatives of the Western Pennsylvania Coalition for Abandoned Mine Reclamation (WPCAMR), the Pennsylvania Game Commission, Gilberton Power Company, Citizens for Pennsylvania's Future (PennFuture), the U.S. Office of Surface Mining (OSM) and DEP.

² Fred Wolf (Chair); Members Jack Chamberlain, David Mankamyer, Dan Snowden, Mark Snyder, David Strong and Margaret Urban, and Alternates Wayne Crawford, Duane Feagley, Richard Fox, Susan Germanio, Susan Wilson and Michael Young.

After opening the meeting, Chairman Wolf turned to committee reports:

The *Policy Committee* had not met since the last board meeting.

The *Reclamation Committee* had not formally met, but some of its members participated in a Manufactured Soils Conference. Manufactured soils could assist the mining industry in the utilization of ash and implementation of other reclamation methods. The Pennsylvania State University holds a patent on manufactured soils made from dredge materials, and the committee asked the Department to review this patent to see if royalty payments would be required to use these soils for reclamation.

The *Regulation, Legislation and Technical Committee* met prior to the full board meeting to discuss Technical Guidance Document (TGD # 562-2500-702) relating to insurance requirements and water supply assurance. After review, the committee determined that the Guidance was acceptable because rather high liability limits are currently required and additional bond would not be needed for coverage. The committee voted unanimously to recommend the Guidance to the board, and the board approved it upon motion made by Michael Young and seconded by David Mankamyer.

The *Ad Hoc Committee to Review the Board's Mission and By-laws*, through its Chairman, David Mankamyer, asked the full board to request a legal review and interpretation from DEP counsel regarding the board's authority to review water issues related to reclamation.

Margaret Urban discussed the use of abandoned mine pools to produce energy, which was raised as a possible solution to acid mine water treatment at the LTV Steel sites and other abandoned mine sites. David Strong raised concerns about the board's jurisdiction to study these issues, and it was determined that the Reclamation Committee should meet for the Department to brief it regarding the costs, liabilities and potential funding related to this problem.

Deputy Secretary Roberts announced that Joseph Pizarchik had accepted the position of director of BMR, and Edward Bohan would be taking Mr. Pizarchik's former position as the Department's legal counsel to the board. Mr. Pizarchik said he would search for a prior determination of the Department's legal office which confirmed that the board did not have authority related to underground mining, and he would obtain an opinion concerning the board's authority to study water issues related to reclamation within three weeks. The Reclamation Committee would meet on this issue in mid-December.

The board then heard several presentations, including:

Chapter 86 Regulatory Package

This package was revised to expand the exemption from “areas unsuitable for mining” requirements for government-financed highway construction to also include other types of government-financed construction for reclamation projects. It was agreed that the information from a project’s unsuitable for mining report should be available at the construction site. By motion made by Susan Germanio and seconded by Susan Wilson, it was recommended to amend the regulation to state that the Department would provide the unsuitable for mining report information for use at the site.

Bonding Update

Sam Faith and James Brahosky, of the Bureau of District Mining Operations (BDMO), reported on progress made in the transition from an alternative bonding system, in which a portion of an operator’s reclamation obligations are covered by a bond pool, to a conventional or full-cost bonding system, in which 100 percent of funds needed to complete reclamation must be covered by operator-provided bonds.

The General Assembly appropriated \$12 million for the program, of which \$7 million was allocated to assist operators in switching to the more expensive full-cost bonding system. Of 2,700 inspectable units, 805 had reclamation obligations great enough for conversion to full-cost bonding; and, of these 118 would be backfilled and not require bonding. Of 664 calculations submitted by operators for conversion assistance, 234 had bonds reduced, 64 did not need additional bonding, and 366 required additional bonding, 364 of which requested conversion assistance.

The Department has set up eFACTS to track annual reviews and conversion assistance bonds. Operators may not exceed the maximum pit size for which they are bonded, and inspectors will have laser range finders to monitor pit sizes. Full-cost bonding will impact the industry because surety companies are reluctant to write bonds for mining purposes. A future challenge will be to obtain funds for treatment of long-term discharges.

Environmentally Preferable Electricity

Catherine Brownlee, Director of the Governor’s Green Government Council, explained that the purpose of this project is to persuade the Commonwealth to set an example in promoting green energy. About five percent of the state’s electric power is generated from clean sources. Green Mountain was awarded the first contract to provide 100% renewable hydropower, and Community Energy was awarded the 2002-2003 contract to use 100% renewables, with 23% of this energy coming from Pennsylvania.

E-Map PA

Ronald Hermany, of the department’s Information Technology Office, demonstrated data related to “areas unsuitable for mining” in the geospatial database, E-Map PA, which is now available on the department’s website.

Biosolids Presentation

Diane Garvey, of Garvey Resources, Inc., gave a presentation on biosolids recycling, focusing on beneficial uses of biosolids for land reclamation. She also discussed the results of various studies showing no human health or environmental impacts from the use of biosolids.

Draft SMCRA Remining Incentives Report

John Meehan, of BMR, explained that the report included a summary of four programs, including Government Financed Reclamation Contracts (“No-Cost” Contracts), Remining Operators Assistance, Financial Guarantees, and Bond Credits. To date, these programs have saved the Commonwealth \$19 million in reclamation costs. The board asked that the final report include its suggestions for additional remining incentives.

Safe Fill Update

William Pounds, of the Bureau of Land Recycling, advised the board that proposed regulations should be ready for a review and comment period in November 2002, and the final regulation package should be complete in the Spring or Summer of 2003.

Miscellaneous

The board asked James Brahosky, of BDMO, to check on obtaining e-mail addresses of the department’s staff. Mr. Brahosky asked the board if anyone would be interested in participating in an Abandoned Deep Mines Task Force. David Strong and Margaret Urban volunteered, and Susan Wilson indicated that the Citizens Advisory Council (CAC) would also be involved.

The next board meeting was scheduled for Thursday, January 9, 2003, in Harrisburg.

January 9, 2003

The board met on Thursday, January 9 in the Rachel Carson State Office Building. Approximately 40 people attended, including 15 board members/alternates³, and representatives of Wenger’s Feed Mill, Inc., Skelly and Loy, Inc., Montgomery Watson Harza, PennFuture, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, CAC, OSM and DEP.

The *Policy Committee* had not met since the last board meeting and had no report.

David Strong asked Deb Simko of WPCAMR to provide the report for the *Reclamation Committee*. Ms. Simko reported that the Abandoned Mine Land (AML) Trust Fund is due for reauthorization in 2004, and western mining states are fighting against it. Deputy

³ Fred Wolf, Chair, Members Jack Chamberlin, Walter Heine, David Mankamyer, David Osikowicz, StevenShrawder, Representative Sam Smith, David Strong, Margaret Urban and Burt Waite, and Alternates Duane Feagley, Richard Fox, Susan Germanio, Patricia Krommes and Mike Young..

Secretary Roberts reported that Pennsylvania is a member of the Interstate Mining Compact Commission (IMCC), which has voted to push for reauthorization and which is working on a position statement to present to the U.S. House of Representatives. A motion was made by David Mankamyer, and seconded by Margaret Urban, that the board's Reclamation Committee consider the AML fee reauthorization issue and offer recommendations for possible action by the full board.

Ms. Simko also reported that she is writing a Growing Greener grant request for the Ohio River basin headwaters, which has almost 2,000 miles of AMD-affected streams.

William Achor, of Wenger's Feed Mill, Inc., reported that an Organic Recycling Task Force subcommittee is considering the inclusion of manufactured soils and other materials in organic recycling and the developments of markets for the manufactured products.

Paul Linnan, of BAMR, reported that the Tamaqua abandoned mine reclamation project using dredged sediment is going well. Five random samples of sediment are taken each day and analyzed by local labs. All parameters for safe fill are being met except for cobalt, which is a bit high. Additional dredged material may be purchased from the same vendor for Bark Camp, which is not currently utilizing this type of material.

Marc Roda, of the Department's Bureau of Regulatory Counsel, advised the board that there are patents for three types of manufactured soils. The patents are for the process, and a license would have to be obtained from the patent holder. The patents cover only topsoil and some cover-dredged material. Some manufactured soils are not patented. The concern is to let bidders on state contracts know about any patents up front because of royalty fees involved. Mr. Roda was to provide Deputy Secretary Roberts and the board with copies of the three patented processes.

David Osikowicz reported that the *Regulation, Legislation and Technical Committee* had not met since the last board meeting.

David Mankamyer, Chairman of the *Ad Hoc Committee to Review the Mission Statement and By-Laws of the Board*, reported that: (1) a legal opinion was received from Department counsel indicating that the board has the authority to advise the Department on the surface discharge of acid mine drainage from abandoned deep mines; and (2) the ad hoc committee believes that the board is not adequately supported by the Department, and it would like to replace liaison personnel with an executive director and secretary. Committee members would like to meet with the new Secretary about this matter. The committee stressed that it was very satisfied with the work done by Nevin Strock, and with assistance provided by Deputy Secretary Roberts and his staff, but the board needs more support, especially in coordination with various river and other groups.

The board then heard several presentations, including:

Request for Committee on Abandoned Mine Land Priorities

Deputy Secretary Roberts advised the board that the financial picture for funding treatment of long-term discharges at abandoned mine sites is bleak, especially in view of the LTV Liquidation and Beth Energy Reorganization. Although the Department has secured additional money from bankruptcy proceedings, there will now be additional reclamation responsibilities for the Commonwealth, and we need to prioritize reclamation projects and become more creative, perhaps by finding ways to utilize treated mine water, rather than clean water, for industrial or other purposes. For example, a potential power plant in West Virginia has proposed using water from an abandoned mine in southwestern Pennsylvania. The Department also needs to find ways to reduce water treatment costs; and, in that regard, BAMR is considering wind turbines to create electricity to pump water from a mine in Warren County.

In order to frame public policy on these issues, Secretary Hess wrote a letter to Chairman Wolf requesting that the board designate an advisory task force on abandoned mine land priorities and treating orphan mine discharges. Mr. Wolf asked that the following board members serve on the task force: David Strong, chairman; David Mankamy, vice chairman; and David Osikowicz, Burt Waite, Mike Young, Jack Chamberlin as task force members, with legislative appointees to the board serving as ad hoc members. Walter Heine made a motion to accept the members nominated to serve on the task force, which was seconded and approved.

A discussion followed about the benefits of alternatives for utilization of mine water versus the cost of traditional water treatment, and Deputy Secretary Roberts was asked to provide a list of persons or entities that are currently treating acid mine water.

Draft Final Rulemaking – Coal Mining, Chapter 86

Evan Shuster, of BMR, presented the draft final rule for exempting coal extraction incidental to government-financed highway construction from “unsuitable for mining” (UFM) regulatory requirements. The draft incorporated changes requested by the board at its meeting on October 24, 2002, as well as language suggested by the Pennsylvania Game Commission requiring that exempted projects maintain on site the detailed statement developed during the UFM petition process. A motion was made by Margaret Urban in favor of recommending the final rulemaking to the Environmental Quality Board. The motion was seconded by David Strong and approved by the board.

Planned Proposed Rulemaking – Bond Adjustments, Section 86.152(a)

Joseph Pizarchik, director of BMR, requested input concerning a change to Section 86.152(a) that currently states that “the Department **may** require a permittee to deposit additional bonding” if the method of mining, reclamation standards, or other changes occur on the mine site. This provision is discretionary on the Department’s part; but, in view of the recent conversion to full-cost bonding, the Department wants to be sure that adequate bonding is maintained when changes occur on mine sites. It was suggested that the current “**may**” provision be changed to a “**will**” provision, so that, if conditions change at a mine site, the Department will be obligated to require additional bonding. Because OSM provides that bonds be recalculated and adjusted from time to time, it was suggested that the board review the federal regulation and consider changing the state

rule to more closely follow federal requirements. David Osikowicz, Chairman of the Regulation, Legislation and Technical Committee, was asked to review the regulations and report back to the board.

New Water Resources Planning Act

Stuart Gansell, Director of the Department's Bureau of Watershed Management, reported that Act 220, which provides for updating the State Water Plan, will take effect on March 16, 2003. The water plan would be updated every five years and would include the identification of Critical Water Planning Areas where water demands are projected to exceed water availability. Critical Area Resource Plans will be developed for such areas, but implementation of the plans is voluntary. By March 16, 2004, all public water supply agencies, hydropower producers and entities using over 10,000 gallons per day over a 30-day period must register with the Department; and, thereafter, comply with reporting and record-keeping requirements. Six regional committees representing the Delaware River Basin, Upper and Lower Susquehanna Basins, Ohio Basin, Potomac Basin and Great Lakes Basin, will each have 23 members, including 21 members appointed by the Governor, a DEP non-voting member, and a River Basin Commission voting member. Regional and statewide groups may recommend candidates to serve on the committees. The bureau is sending letters to organizations and county governments asking them to recommend people to serve on the various regional committees.

The statewide committee will include 32 members of which 24 would be voting members. Six members would be appointed from the regional committees by State House and Senate leaders, and 12 members would be appointed by the Governor. DEP, the Department of Conservation and Natural Resources (DCNR), the Pennsylvania Emergency Management Agency, the Department of Agriculture, the Fish & Boat Commission, and the Public Utility Commission will be represented by voting members. The Department of Community and Economic Development (DCED), the Governor's Center for Local Government Services, and a representative of each Compact Basin Commission may serve as ex officio nonvoting members.

The Bureau is also meeting with agencies such as the U.S. Army Corps of Engineers and the U.S. Geologic Survey to see if they are willing to participate in the process.

BAMR Projects Status Report

Brian Bradley provided a summary of BAMR projects for the last quarter of 2002. He reported one project in open advertisement, nine bid openings, 26 contracts in place at a cost of \$23.3 million, and 11 completed projects at a cost of \$5.9 million.

Bond Rate Guidelines – 2003

Evan Shuster, of BMR, reported that the guidelines would be published in the *Pennsylvania Bulletin* on January 18, 2003, and go into effect 30 days later. Short distance grading costs will increase from 50 to 55 cents, distance grading costs will remain at 80 cents/cubic foot, selective grading costs will increase from \$625/acre to \$800/acre and the revegetation cost will increase from \$1,000/acre to \$1,500/acre. The

fee increases are based on costs used in BAMR contracts. Mr. Shuster agreed to supply background information on the increases to Michael Young and Duane Feagley.

New Business

1. Evan Shuster reported no new information on the pollution trading issue, but he has discussed the board's concerns with staff in the Bureau of Water Management;
2. Deputy Secretary Roberts updated the board on a fire at Consol's Eighty-Four Mine in Washington County on January 6, 2003. The mine was evacuated after carbon monoxide monitors went off. A company team pushed the fire back to the point where it was contained to less than 200 feet. The cause of the fire was unknown at the time of the meeting;
3. Michael Young distributed comments from the Pennsylvania Coal Association regarding the draft Remining Incentives Report that was discussed at the board's October 2002, meeting;
4. Information related to the full-cost bonding report received by the board at its October meeting was distributed, including a status of bond conversions, a copy of a tickler report used as a reminder that financial guarantees are due, a list by status of all financial guarantees written by DEP, a list of premiums paid during the first fiscal year, and a report of bond payments that have been made. This information will soon be on the DEP web site.
5. Chairman Wolf discussed the difficulty of growing trees on areas revegetated with biosolids, and he suggested that the number of trees required should be reduced, as it is an extra expense that often provides no permanent benefit. Deputy Secretary Roberts agreed that current regulations created a disincentive to plant trees, and he and Nevin Strock discussed mixing black locust seeds in with certain grasses so that the grasses don't choke out the trees, or directly seeding the black locusts and scarifying them so they would germinate over the winter season. Other problems, such as mice and deer eating the seedlings, were also discussed.
6. Susan Germanio, one of the board's legislative alternates, reported that Act 155 of 2002 would allow independent insurance agents to sell Mine Subsidence Insurance, effective June 2003. The Mine Subsidence Insurance Board recently voted to increase the maximum amount of insurance that can be purchased from \$150,000 to \$250,000. Insurance agents will be able to log on to DEP to determine if a house is located in a subsidence-prone area.
7. It was announced that a statewide AMD conference will be held in Lackawanna County on May 16-17, 2003.

The next board meeting was scheduled for April 24, 2003 in Harrisburg, and the meeting was adjourned at 1:30 p.m.

April 24, 2003

The board met on Thursday, April 24 at 10:00 a.m., in the Rachel Carson State Office Building. Approximately 35 people attended, including 12 MRAB board members/alternates⁴, representatives of Skelly and Loy, Inc., the Pennsylvania Game Commission, ARIPPA, PennFuture, WPCAMR, OSM, DEP, Mr. Pat Henderson (State Senate) and Mr. Richard Herd (Environmental Engineer Consultant).

The meeting was called to order by Chairman Wolf.

Motions were made and approved to accept the minutes of the January 9, 2003 board meeting, and to correct the minutes of the October 24, 2002 meeting to reflect that the MRAB was established on September 19, 1984, its first meeting was held on May 28, 1985, and the original by-laws were written on January 25, 1989.

Obligations from January Meeting:

1. Joseph Pizarchik, director of BMR, reported that an attorney is looking into patents for manufactured soils. David Strong said he talked to the person who holds two such patents, who threatened legal action against anyone who uses dredge. Marc Roda, of the Department's Office of Regulatory Counsel, provided copies of the patent summaries.
2. Deputy Secretary Roberts had promised to provide the board with a list of companies currently treating mine water, and Joe Schueck said he would send this list with maps to board members.

Reappointed and New Members:

Three members, Mark Snyder, Jack Chamberlin and David Osikowicz, were reappointed to the board for two-year terms expiring in 2005. Joseph Deklinski, the new alternate for State Representative Sam Smith, was introduced to the board.

Committee Reports:

1. Michael Young reported that the *Policy Committee* did not meet since the last board meeting.

⁴ Fred Wolf (Chair); Members Jack Chamberlin, David Mankamyer, Steven Shrawder and David Strong; and Alternates Joe Deklinski, George Ellis, Duane Feagley, Richard Fox, Bruce Tetkoskie, Susan Wilson and Michael Young.

2. David Strong reported that the *Reclamation Committee* had been working on Mine pool discharge problems. He asked Paul Linnan, of BAMR, to update the board on Bark Camp and Tamaqua.
 - (a) Bark Camp: Paper material and sawdust is being stockpiled at the site to make manufactured soil. CTI, which is now called Clean Earth Dredging Technology, Inc. (CEDTI), entered a consent agreement with Williamsport to allow additional materials. Negotiations continue with the U.S. Army Corps in Philadelphia to provide 50,000 cubic yards of material, and related RFPs will soon be issued. A rail spur will be built into Fort Mifflin to move the material. Water quality results at the site are good. Metals testing still shows no detectable levels, except for lead. Mr. Linnan contacted Mrs. Wyona Coleman, who is associated with the Sierra Club and other environmental organizations, to give her a tour of the site. She and others will visit Bark Camp on May 13, 2003.
 - (b) Tamaqua: This project began in November 2002 and is going well. The final 50,000 cubic yards of material arrived in April, but 3,500 more cubic yards of material will be needed to complete reclamation. An on-site inspector takes five composite samples each day for study by an independent laboratory. The lab selects one sample to analyze for inorganics and PCBs, keeping a table of results. All values meet safe fill levels except for cobalt and arsenic, which are not high enough to be an issue. A well was installed with a liner that would draw any moisture that goes through the fill into the well, and that well is dry. Coal ash has not been used at the site. A geneticist and patent attorney, Dante Picciano, Ph.D., believes that coal ash is dangerous and has been sending out negative and misleading flyers and threatening to take the issue to court. Mr. Linnan believes that the Department needs to provide accurate information to the public and hold another public meeting at which well-known people can provide correct facts about ash. If dredged material is used at Tamaqua, it must be mixed with ash, lime or Portland cement.

Mr. Strong reported that the Fifth Annual Watershed Conference on Abandoned Mine Reclamation is May 15-17, 2003, and will include lectures on the mine pool issue. In addition, a Manufactured Soils Conference will be held November 12-13, 2003.

Mr. Strong also reported that the board has been using the web sites for the Eastern and Western Pennsylvania Coalitions for Abandoned Mine Reclamation. The board is looking for input, such as photographs, for the sites, and this information can be provided to Mr. Strong.

3. David Osikowicz reported that the *Regulation, Legislation and Technical Committee* did not meet since the last board meeting. Chairman Wolf reported that there had been an informal meeting regarding reauthorization of the AML fund. He asked that a committee be formed to work with the Department to write

a letter of support for reauthorization. He made a motion, seconded by David Mankamyer, to form this committee to include six board members appointed by the Chairman. There will be one member from the bituminous industry, one member from the anthracite industry, two members from the CAC and two legislative members. Susan Wilson of the CAC will chair the Committee. Joseph Pizarchik said he would inform Roderick Fletcher, director of BAMR, that this committee has been established.

Regarding use of monies in the AML Fund, David Mankamyer stated that he felt water treatment should be given a higher priority, and that watershed groups should be consulted regarding the Commonwealth's position. Mr. Pizarchik said that the AML fund was discussed at a recent meeting of the IMCC. OSM issued a handout showing fund distribution and how coal production among states has changed. This information suggests that fund distribution and use should be revised. Mr. Pizarchik will make the OSM handout available to board members.

4. A new *Annual Report Committee* for 2002-2003 has been established to be chaired by Susan Germanio and co-chaired by Richard Fox, with members Susan Wilson and Fred Wolf. The Annual Report for 2000-2001 has been completed.

Update on Orphan Mine Discharge Task Force:

This Task Force was established by the board at its meeting on January 9, 2003. The Task Force met on March 17, 2003, participated in a conference call on March 26, 2003, and met again on April 14, 2003.

David Mankamyer, vice-chair, suggested that a policy book on Orphan Mine Discharges be created in which documents could be added and changed by board resolution. He has developed some resolutions on the issue for consideration, but they should not be used by the board to micromanage the Department's approach to the problem. A motion was made by Mr. Mankamyer to create a policy book, which was seconded by Susan Wilson, and approved by the board.

Joseph Schueck (DEP) has been assisting the task force, and he explained that mine discharge information is in a database from which the Department has identified discharges that are greater than 250 gpm. Over the summer, interns will develop a better database/map to put on eMAP PA. The information will also be given to the Governor's Action Team for use by industries looking at sites in Pennsylvania. Financing for technology and demonstration projects is a key issue. Mr. Schueck and Michael Young recently attended a meeting of federal agencies, which suggested that DEP needed to partner with at least one other state to get federal funds for demonstration projects. Initial discussions have been held with West Virginia. A motion was made by Mr. Mankamyer for DEP to develop a database of existing mine pools and to provide for prediction of future discharges. The motion was seconded by David Strong and approved by the board.

Mr. Mankamyer presented draft resolutions, divided into four sections to reflect the four subcommittees of the task force: technology, outreach, financial, and legal and legislative. Members will review the resolutions and provide comments to Mr. Schueck by May 27. Mr. Schueck will e-mail the comments to the Task Force, which will finalize the resolutions and submit them at the next board meeting. After the board approves them, the resolutions will be submitted to the Department.

Briefing on Planned DEP Mining Program Undertakings:

1. A “Fact Sheet on Carbon Dioxide” will be developed that should be available later in the year. Incidents of carbon dioxide entering homes on or near surface mining sites are being reported to the Department. It can impede breathing, cause headaches and asphyxiation. Remediation involves reverse radon technology that pumps air into the home to force the carbon dioxide out.
2. Joseph Pizarchik explained that a number of issues have arisen regarding “water supply replacement.” Previously, courts ruled that the water supply owner needs to have control over the supply, it must meet his needs, and increased costs are the burden of the mine operator. The Department is planning to do an outreach program for citizens and then develop regulations so everyone understands their rights and obligations.

Status Update of Current DEP Mining Program Undertakings:

1. “SMCRA Remining Incentives Report 2001-2002” – In January, the Department asked the board for recommendations for additional remining incentives that presented to the General Assembly in July. Board members were given copies of recommendations of the Pennsylvania Coal Association (PCA) and the Pennsylvania Anthracite Council (PAC).

Michael Young explained the PCA Comments:

- The Association wants the board to stress that the Department should address problems in encouraging remining that may be due to the transition from conventional to full-cost bonding.
- PCA also believes that the board should renew its recommendation that the Department pursue legislation to provide for tax credits to support remining. Mr. Young reminded the board that the AML fee must be paid on anything produced, and perhaps the board should consider the current AML fee authorization process as an opportunity to suggest some form of credits.
- PCA believes that the achievement of goals is more important than meeting certain pre-set objectives. DEP District Mining Offices are trying to encourage projects in which mining companies and watershed restoration groups can work as

partners. These types of projects that may involve remining should be eligible for environmental grants.

Duane Feagley concurred with Mr. Young's comments and offered the following suggestions from the Anthracite Council:

- The Department should coordinate with operators in the monitoring of water.
- When abandoned mine lands are adjacent to active operations, operators could enter the abandoned area with excess spoil, backfill and help reclaim it. A cr permit, under a GFCC program, the operator could submit a contract for reclamation and do the work.
- The Remining Operator's Assistance Program (ROAP) should be amended to cover engineering costs for bonding increments.

It was decided that a meeting via conference call would be held on May 27, 2003, at 2:00 p.m., so the board could decide which comments it wants to adopt as its recommendations for additional remining incentives. (**Note:** Teleconferencing services were not available for May 27, and the meeting was rescheduled for May 28, 2003, at 3:00 p.m.) The board will provide the Department with its recommendations by May 30.

The Department advised the board that the next remining incentives report will be based on calendar year 2003, rather than on the fiscal year period required in prior years. This will give the Department more time to provide the board with information and receive the board's comments.

2. "Proposed Rulemaking Regarding Bond Adjustments (§86.152(a))" - In January, the board asked the Department to revise the rule to more closely follow the federal regulation regarding recalculation of bonds because of changed circumstances at a mine site. Joseph Pizarchik asked for board approval to take the revised rule to the Environmental Quality Board (EQB) in June. However, members from the Pennsylvania Coal Association (PCA) objected because the department intended that the language apply to bonds posted for both reclamation and for mine subsidence damage, and the Association wanted application restricted to reclamation.

A motion was made, seconded, and approved by the board to recommend EQB approval of the proposed rulemaking provided the preamble include an explanation clarifying the amended regulation regarding subsidence bonding. The Department and the PCA will work on the language for the preamble.

3. "Bond Rate Guidelines" – The guidelines were published in the *Pennsylvania Bulletin* on April 5, 2003, and took effect on April 21, 2003. The Department will

get these items to the board earlier in the future, so it can obtain board input and still meet publishing deadlines.

4. “AMD Trust Funds” – The Department is developing a database that will list discharges currently being treated by operators.

Status of Current/Planned Undertakings of BAMR

Steven Jones gave a summary report of BAMR projects: 3 currently active projects; 4 bids; and 7 bid proposals opened. There are 28 projects under construction at a cost of \$28 million. BAMR completed 7 projects in the last quarter costing \$4.1 million.

Power Point Presentations

Larry Myers, Executive Director of the Pennsylvania Resources Council, gave a presentation on market-based land reclamation. Richard Herd, an environmental engineer, gave a presentation on eco asset management.

New Business

It was suggested that the Department identify a watershed with some mining operations on it for a study regarding pollution trading. Currently, operators are treating some discharges that add no value to the stream, and it would be better to pay for treatment where it would be more beneficial. The Reclamation Committee will consider drafting this recommendation in more detail for the Department.

It was decided that the next board meeting, following the teleconference meeting on May 28, would be a field tour on July 9, 2003, followed by a meeting on July 10, 2003, in southwestern Pennsylvania, possibly to view the Shannopin mine site/mine pool and other mine pool discharges or areas of interest.

Upon motion made, seconded, and approved, the meeting adjourned at 2:25 p.m.

May 28, 2003

(Special Meeting)

The board met via teleconference call originating at the Rachel Carson State Office Building in Harrisburg on May 28, 2003. Eighteen people participated, including eleven board members/alternates,⁵ and representatives of ARIPPA and DEP.

Chairman Wolf called the meeting to order for the purpose of finalizing the board's recommendations for additional remining incentives for the 2001-2002 SMCRA Report to the General Assembly.

Discussion of Remining Incentive Proposals

Duane Feagley, of the Pennsylvania Anthracite Council (PAC), reviewed the recommendations he submitted at the prior board meeting on April 24, 2003:

1. The Department and mine operators should coordinate water monitoring efforts.
2. Credit should be given for remining on a permit area that is not bonded and not intended to be mined, but is a preexisting open pit that needs to be filled. The operator could eliminate spoil from the permitted operation by filling the pit and then reclaim the area. He would not bond the area, because he would be doing the work as a bond credit operation, i.e., if it cost a certain amount to backfill and reclaim the area, and the operator provides the service, it is like a contract – no bonding, but deserving of credit.
3. The Remining Operator's Assistance Program (ROAP) should be continued and expanded to include funding for engineering costs on existing permits as new increments of the permit are opened. It was acknowledged that most of the engineering costs would be incurred up front.
4. The Department should revise its regulations to reduce from 5 years to 2 years the liability period for refuse pile remining sites after final planting.

John Meehan, of BAMR, explained that the federal regulation applies to "lands eligible for remining" (both abandoned mine lands and refuse piles), on which bond is released two years after last seeding. However, if an operator does not show vegetation in three years, the bond is not released, even though the regulation provides for a two-year holding period. The Anthracite Council believes the Department should reduce its holding period from five to two years.

⁵ Fred Wolf, Chair; Members Steven Shrawder, David Strong, Burt Waite; and Alternates George Ellis, Duane Feagley, Richard Fox, Susan Germanio, Patricia Krommes, Susan Wilson and Michael Young.

The Department told the board that some of the recommendations made would not be included in the report to the General Assembly, because the legislature would not be required to act on all of the recommendations, only those requiring a change in the law.

Michael Young reviewed the recommendations of the Pennsylvania Coal Association (PCA):

1. It was agreed that a general statement should be made that state agencies, other than the Department, should cooperate in encouraging re-mining/reclamation and acid mine drainage treatment projects. Susan Germanio reported that the proposed private-public acid mine drainage treatment project at the abandoned Shannopin Mine in Greene County is burdened by demands of the Pennsylvania Game Commission for use of land owned by the Commission at the site. The current law allows the Commission to exchange its land for land of equal or greater value, and the agency often demands up to 10 acres in exchange for one of its acres. Chairman Wolf said he had to give the Commission 2,000 acres in exchange for 200 acres in the past.

Mr. Young stated that the value of abandoned mine reclamation is not appreciated as compared to other uses of public land. The agency reaps a royalty for another's work to improve the environment.

2. Some recognition must be given to the use of re-mined coal or coal refuse to generate power as "green energy production." Research evidence would be needed to encourage this recognition, and the Board asked the Department to evaluate the consideration of this recommendation.
3. The transition to full-cost bonding may have created a disincentive for re-mining because of the way the bonds are calculated. An amendment to the law or additional funding from the General Assembly may be required to resolve this problem, and the Department made a commitment to address the issue as a condition for approval of the full-cost bonding program. The Department will review its Government Financed Construction Contracts program and the need for additional resources to support re-mining bonds in amounts equivalent to the amount of reclamation.

John Meehan said there is language in the regulations related to financial guarantees restricting their use to the "re-mine area," which is abandoned land plus 300 feet. Bonds on sites at the time of transition to full-cost bonding were allowed to float like everything else on the site within that mining area. When an operator asks for financial guarantees on new sites, the Department calculates its cost to reclaim using the same guidelines that are used to calculate bonds on mining sites. The value is issued as part of the bonding package on the new surface mining permit, subject to restrictions of \$80,000/permit and \$240,000/operator.

Mr. Young still wanted the board to comment that we need to assure adequate bonding for remining, because it currently is very difficult to get an operation up and running.

Mr. Meehan reviewed current limits on allocations for financial guarantees and the bond credits program, and the fact that the Department cannot use more than 10% of reserve funds against each permit. The \$1 million in the remining financial insurance fund has not been allocated because, in the event of a bond forfeiture that reduces the reserve, the Department would be forced to reduce bonds available on mine sites immediately. After hearing this explanation, the board considered recommending that the legislature provide more funding for the program.

4. Representatives David Argall and Sam Smith introduced legislation in the prior 2001-2002 session of the General Assembly to provide tax credits for remining operations. The credit amounted to \$2.00 for each ton of coal mined on a sub-chapter F/G permit, which would be applied against an operator's total state tax liability. The board should support this legislation, recognizing that the Department of Revenue has opposed other coal-related tax credits in the past.
5. Brownfield reclamation funds currently used for abandoned industrial sites could also be made available for abandoned mine sites. Representative John Yudichak has reintroduced legislation (HB 344), providing for this change. A motion was made, seconded, and approved to include this initiative in the board's recommendations.
6. Environmental grants, such as those provided under the "Growing Greener" program, should be available to projects in areas suitable for remining. If a watershed group applies for a grant to resolve acid mine drainage at a site, they could ask a mining company to agree to help clean up the water in exchange for remining.

Mr. Meehan explained the way in which grant applications are reviewed by the water deputation staff or by the District Mining Office staff if the project involves acid mine drainage or a mining problem.

Mr. Young believed that the board should reemphasize its support for this recommendation.

Summary of Recommendations

After review and revision, it was agreed that the board would make the following recommendations to enhance remining incentives for inclusion in the "Remining Incentives Report:"

1. That all state agencies and commissions should facilitate economical remining and reclamation projects and activities on lands under their jurisdiction.

2. That the Administration encourage public recognition that remining in conjunction with reclamation is “green energy” production. Green power should go beyond a reduction in air pollution to include any form of energy production that improves water quality or contributes to public health and safety.
3. That funding for the Remining Financial Guarantees Program should be expanded.
4. That the General Assembly enact H.B. 344, which would apply the standards and benefits of the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995) to remining/reclamation projects.
5. That “Growing Greener” and other types of project grant applications which are designed in conjunction with remining activities should receive preferential consideration based on benefits to be derived and total funding available.
6. That the General Assembly enact H.B. 275, which would provide a \$2.00 per ton credit against an operator’s total state tax liability for each ton of coal mined from a remining area.
7. That the General Assembly amend the Surface Mining Conservation and Reclamation Act (52 P.S., Section 1396.4. (d)) to reduce the minimum liability period that the Department holds reclamation bonds from 5 years to 2 years after planting for remining areas. Shortening the minimum period of liability on reclaimed remining areas would offer several benefits without additional cost or jeopardizing the environment.

These recommendations will be included in Appendix A to the report submitted by the Department to the General Assembly.

Other Business

It was announced that the next board meeting would be July 9 and 10, 2003.

The meeting was adjourned at 4:15 p.m.

Task Force and Special Committee Activity

Orphan Mine Discharge Task Force

This task force was established by the board on January 9, 2003, and includes six board members⁶ and legislative appointees or their alternates as ad hoc members. The purpose of the task force is to propose ways in which the Department can manage the environmental crisis threatened by “orphan mines,” bankrupt coal mining operations that no longer provide for treatment of pollution.

The problem has been exacerbated by LTV Steel’s bankruptcy case that leaves behind an inadequate settlement fund and forfeited bonds that will not pay for the necessary perpetual treatment. As the mining industry faces difficult economic times, it is feared that other Pennsylvania mining operations may follow suit.

Should this happen, rivers and streams will be affected by metals pollution, fish and aquatic life will be harmed, and water uses will be compromised. The cost may be measured in the tens of millions of dollars.

Recognizing that traditional “pump and treat” technology is too expensive (LTV sites alone require treatment costs of \$2 million annually), the Commonwealth is seeking other alternatives to address acid mine water pollution. For example, underground mine pools can provide large amounts of water for commercial/industrial users who may have difficulty finding adequate sources of clean water. If the cost of cleaning, using, and recycling mine water can compete with the use of traditional water sources, a potential liability can be transformed into a significant advantage to promote economic development.

Thus far, the task force has met several times (March 17, 2003; by conference call on March 26, 2003; and on April 14, 2003), bringing together interested persons from the state and federal government, the mining and related industries, academia, and local conservation agencies and groups.

At the April 24, 2003, meeting of the board, the task force proposed to provide the Department with a policy book on Orphan Mine Discharges that could be updated as required, and to encourage development of a database of existing mine pools that could predict future discharges. The task force also presented draft resolutions that reflected the findings and recommendations of its Technology, Outreach, Financial, and Legal/Legislative subcommittees. These resolutions will be finalized and submitted for approval at the board’s July, 2003 meeting. Once approved, the resolutions will be forwarded to the Department for consideration and further action.

⁶ David Strong, Chairman; David Mankamyer, Vice Chairman; David Osikowicz; Burt Waite; Michael Young and Jack Chamberlin.

Select Committee on Reauthorization of the Abandoned Mine Land (AML) Fund

This Committee was established at the Board's meeting on April 24, 2003. Six members/alternates serve on the committee.⁷

The purpose of the committee is to work with the Department in supporting reauthorization of the federal AML fund. Securing Congressional approval for the reauthorization may be more difficult because various factors have changed significantly since the program's inception in 1977, and this creates an imbalance in the way AML funds are allocated among mining states.

A conference call was conducted among committee members on May 30, 2003, at which it was decided:

1. That the committee and the board need to better understand the fund allocation formula.
2. That an alternative approach may be needed to support the UMWA Combined Benefit Fund for retired coal miners that is currently funded from the interest from the unappropriated state share balance in the AML Fund. Pennsylvania is second among participating AML states in the number of beneficiaries receiving benefits from the Combined Benefit Fund.
3. That more money must be devoted to the reclamation problems that SMCRA is meant to correct. Other states have become certified for resolving their priority 1 and 2 sites, so they may use their AML allocation for other problems; but Pennsylvania still has a \$1 billion reclamation problem at priority 1 and 2 sites, which, at current funding levels, will require 40 years to address.

The committee requested several documents and information for review prior to the July board meeting, including an OSM White Paper on the AML Fund; data on the Combined Benefit Fund for retired miners; the Department's position on the changes needed in the AML program and how those changes would benefit Pennsylvania; and any available information on a waste coal tax credit incentive initiative that might provide incentives for the use of coal waste to generate energy and help support the Combined Benefit Fund.

The committee will discuss its review of the provided documents and information at the July 2003 board meeting, and conclude its work in the forthcoming months.

⁷ Susan Wilson, Chair; Joseph Deklinski; Susan Germanio; Steven Shrawder; Burt Waite; and Michael Young.

Appendix A

BYLAWS OF THE MINING AND RECLAMATION ADVISORY BOARD

As Amended Dec. 12, 1996

ARTICLE I

Authorization

The Mining and Reclamation Advisory Board is authorized and organized pursuant to Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act (Act 181 of 1984) as amended by Act 173 of 1992.

ARTICLE II

Purpose

The advisory board is charged to assist the secretary to expend the funds for the purposes provided by this act and to advise the secretary on all matters pertaining to surface coal mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, selection of reclamation projects, alternate reclamation methods, obligations for pre-existing pollution liability, alteration of reclamation loans, reclamation fees and bonding rates and methods.

ARTICLE III

Membership

The board shall be comprised of three coal operators, two of whom shall be licensed bituminous surface mine operators and one of whom shall be a licensed anthracite surface mine operator; four public members from the Citizens Advisory Council, who shall be appointed by the council; two members, one from the Anthracite and Bituminous Licensed Professional Engineers, and one from the County Conservation Districts, who shall be appointed by the State Conservation District Commission; four members of the General Assembly, two from the Senate, one member from the majority party and one member from the minority party, who shall be appointed by the president pro tempore; and two from the House of Representatives, one from the majority party and one from the minority party, who shall be appointed by the speaker of the House of Representatives.

A. Board members shall designate an alternate. The chairperson shall be notified, in writing, of such alternate.

B. The board may recommend to the appointing authority removal of any member not attending, or not represented by a designee, at two board meetings in a year.

ARTICLE IV
Voting

Members, or designated alternates, shall be entitled to one vote, in person, on all matters that shall come before the board. No voting shall be done without a quorum, unless otherwise indicated in these bylaws. A majority of the membership of the board shall constitute a quorum.

ARTICLE V
Officers

The officers of the board shall be a chairperson and a vice-chairperson.

The chairperson and vice chairperson shall be elected from the membership of the board, as defined in the Pennsylvania Surface Mining Conservation and Reclamation Act, as amended, and may not be the secretary of the Department of Environmental Protection, or his designee. They shall hold office for a term of one year, or until a successor is elected.

It shall be the duty of the chairperson to preside at all meetings of the board, call special meetings, prepare and distribute the meeting agenda and perform such other duties as pertain to the office.

It shall be the duty of the vice-chairperson to perform the duties of the chairperson in his/her absence.

ARTICLE VI
Administration

Administrative and clerical duties shall be performed by the Office of Mineral Resources Management, Department of Environmental Protection. A department staff person shall function as a recording and corresponding secretary. Included among these administrative duties shall be:

- A. To give timely notice of meetings of the board and committees.
- B. To record full board and committee meeting minutes and keep a permanent file. Board and committee meeting minutes shall be distributed to the full membership. Minutes should be reviewed by the chairperson or vice-chairperson prior to distribution.
- C. To conduct both outgoing and incoming correspondence and maintain a permanent file of such correspondence, and
- D. To perform such other duties as may be requested by the board, including, but not limited to, travel arrangements, conference calls, etc.

In addition, staff representatives from the Office of Mineral Resources Management shall serve as staff liaison to the board.

ARTICLE VII

Committees

The board may establish committees to assist in performing its advisory duties.

- A. Committees shall be established by a majority vote of those members attending a regular or special meeting of the board.
- B. The board chairperson shall appoint committee members. The committee chairperson shall be selected by its members. The committee chairperson will be responsible for calling committee meetings, requesting needed assistance from DEP, and reporting to the board, and shall receive necessary administrative and clerical support from DEP.
- C. Each committee shall develop and adopt a statement of purpose or objective of the committee at a meeting of that committee after its creation.
- D. The chairperson of the board shall appoint a committee to prepare the Annual Report, as mandated by Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act.
- E. A listing of the committees and their statements of purpose shall be maintained as an appendix to these bylaws. Changes to the appendix shall not constitute a change to the bylaws.

ARTICLE VIII

Meetings

The board shall meet on the first Thursday of the months of January and July and the fourth Thursday of the months of April and October, unless changed by a majority of the members. Alternate meeting dates and special meetings shall be called by the chairperson, in consultation with the vice-chairperson. Committee meetings shall be called by committee chairpersons, who shall also notify the full board.

ARTICLE IX

Participation by Non-Board Members

- A. Formal Presentation

Any person may ask the board for time on the formal agenda to present policy, regulatory or legislative concerns for the board to consider. The request shall be made in writing to the chairperson and include a summary of the presentation.

The chairperson shall determine the interest of the board in the subject and decide if the presentation will be allowed during the formal agenda. Requests shall be submitted at least one month prior to a board meeting.

B. Informal Discussion

At the discretion of the chairperson, any person present at the meeting shall be afforded the opportunity to speak to the board or ask questions of board members.

ARTICLE X
Amendments

The bylaws may be amended, repealed or suspended at any meeting of the board by a two-thirds vote of the members of the board, provided that written notice of such amendment, repeal or suspension shall have been sent to each member at least one week prior to said meeting.

ARTICLE XI
Board Representation

The board shall act as a body in all matters before it and only the chairperson, or his or her designee, the vice-chairperson or the board's designee shall speak on behalf of the board.

Appendix B

OFFICERS OF THE BOARD FOR THE REPORTING PERIOD July 2002 – June 2003

Board Chairperson	Fred W. Wolf
Board Vice Chairperson	Mark Snyder
Annual Report Committee Chairperson	Susan Germanio
Policy Committee Chairperson	Mark Snyder
Reclamation Committee Chairperson	David Strong
Regulation, Legislation and Technical Committee Chairperson	David Osikowicz

Appendix C

BOARD MEMBERSHIP FOR THE REPORTING PERIOD July 2002 – June 2003

Board Member	Position	Alternate
Jack Chamberlin	Bituminous Licensed Professional Engineer	George Ellis, Michael Young
Margaret Urban	Citizens Advisory Council	John Ford, Susan Wilson
Walter Heine	Citizens Advisory Council	John Ford
Steven Shrawder	Licensed Anthracite Surface Mine Operator	Bruce Tetkoskie, Duane Feagley
David Mankamyer	State Conservation Commission	
Sen. Raphael Musto	General Assembly	Richard Fox
David Osikowicz	Licensed Bituminous Surface Mine Operator	George Ellis, Mike Young
Sen. James Rhoades	General Assembly	Patricia Krommes
Rep. James Shaner	General Assembly	Susan Germanio
Burt Waite	Citizens Advisory Council	John Ford, Susan Wilson
Rep. Samuel Smith	General Assembly	Joseph Deklinski
Mark Snyder	Licensed Bituminous Surface Mine Operator	George Ellis, Mike Young
David Strong	Citizens Advisory Council	John Ford, Susan Wilson
Fred Wolf	Anthracite Licensed Professional Engineer	Duane Feagley

Appendix D

MEETING DATES DURING THE REPORTING PERIOD July 2002 – June 2003

Date	Location	Meeting
July 11-12, 2002	Pottsville (Field Tour)	Full Board
Oct. 24, 2002	Harrisburg	Full Board
Oct. 24, 2002	Harrisburg	Regulation, Legislation and Technical Committee
Jan. 9, 2003	Harrisburg	Full Board
Feb. 19, 2003	Harrisburg	Orphan Mine Discharge Task Force
March 17, 2003	Harrisburg	Orphan Mine Discharge Task Force
April 14, 2003	Harrisburg	Orphan Mine Discharge Task Force
April 24, 2003	Harrisburg	Full Board
May 28, 2003	Harrisburg	Full Board (Special Meeting)

Appendix E

MRAB COMMITTEES FOR THE REPORTING PERIOD July 2002 – June 2003

Annual Report Committee

Susan Germanio (Alternate), Chairperson Pa House of Representatives House Box 202020 425 Main Capitol Building Harrisburg, PA 17120-2020 Phone: 717-783-5415 Fax: 717-772-3605	Fred W. Wolf, P.E. Penn Equipment Corporation 15 Main Street Port Carbon, PA 17965 Tel: 570-622-9933 Fax: 570-622-9935
Mr. Richard Fox (Alternate), Co-Chair PA State Senate Rm. 17, E. Wing, Main Capitol Building Harrisburg, PA 17120-3014 Phone: 717-787-7105 Fax: 717-783-4141	Susan M. Wilson (Alternate) Citizens Advisory Council P.O. Box 8459 13 th FL RCSOB Harrisburg, PA 17105-8459 Tel: 717-787-4527 Fax: 717-772-5748

Policy Committee

<p>Mark A. Snyder, Chairperson State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-548-8101 Fax: 724-545-2989</p>	<p>David Mankamyer 152 Aviator Lane Friedens, PA 15541 Tel: 814-445-8618 Fax: 814-444-9666</p>
<p>Fred W. Wolf, P.E. Penn Equipment Corporation 15 Main Street Port Carbon, PA 17965 Tel: 570-622-9933 Fax: 570-622-9935</p>	<p>Susan M. Wilson (Alternate) Citizens Advisory Council P. O. Box 8459 13th Floor, RCSOB Harrisburg, PA 17105-8459 Tel: 717-787-4527 Fax: 717-772-5748</p>
<p>John M. Ford (Alternate) Hazleton Standard Fuel Co., Inc. 962 N. Laurel Street Hazleton, PA 18201-1998 Tel: 570-454-0504 Fax: 570-454-4521</p>	

Reclamation Committee

<p>David L. Strong, Chairperson P.O. Box 162 Brockway, PA 15824 Tel: 814-371-6142</p>	<p>Walter N. Heine 144 S. Hanover Street Carlisle, PA 17013 Tel: 717-258-5114 Fax: 717-258-4167</p>
<p>Duane Feagley (Alternate) PA Anthracite Council 3400 Trindle Road Camp Hill, PA 17011 Tel: 717-737-9825 (O) Fax: 717-730-0409</p>	<p>Fred W. Wolf, P.E Penn Equipment Corporation 15 Main Street Port Carbon, PA 17965 Tel: 570-622-9933 Fax: 570-622-9935</p>
<p>David Mankamyer Conservation Land Mgt. Co. 152 Aviator Lane Friedens, PA 15541 Tel: 814-445-8618 (H) Fax: 814-444-9666 Cell: 814-233-2272</p>	<p>Susan M. Wilson (Alternate) Citizens Advisory Council P.O. Box 8459 13th FL RCSOB Harrisburg, PA 17105-8459 Tel: 717-787-4527 Fax: 717-772-5748</p>
<p>Michael Young (Alternate) Pennsylvania Coal Association 212 N. Third Street, Suite 102 Harrisburg, PA 17101 Tel: 717-233-7909 Fax: 717-231-7610</p>	<p>David D. Osikowicz Original Fuels, Inc. P. O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171 Fax: 814-938-5008</p>
<p>Robert E. Hughes (Resource Contact) Eastern Pennsylvania Coalition for Abandoned Mine Reclamation 1206 Ag Center Drive Pottsville, PA 17901</p>	<p>Deb Simko (Resource Contact) Western Pennsylvania Coalition for Abandoned Mine Reclamation Donohoe Center, R.R. 12, Box 202-B Greensburg, PA 15601</p>

Regulation, Legislation and Technical Committee

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