

# Annual Report July 2004 – June 2005



**EDITOR'S NOTE: All references in this report - including position titles held by individuals, legislative references and time references - are current for the time period ending June 2005.**

## **A Message From MRAB Chairman David Osikowicz**

**December, 2005**

On behalf of the Mining and Reclamation Advisory Board (MRAB), I am pleased to present this report, detailing the board's activities from July 2004 to June 2005. The board continues to address environmental problems related to past coal mining practices, while assisting the Department to ensure that modern operators do not contribute to those problems.

The board met five times during this period, beginning with a field trip to the Hazleton area to tour sites affected by anthracite coal mining and reclaimed to address deep pits and dangerous highwalls, making lands viable for wildlife habitat and recreational or commercial activities. These projects are just a few examples of similar efforts needed throughout Pennsylvania to reduce a costly abandoned mine land legacy.

The board continued to review water issues by trying to help the Department find solutions to surface mining water supply replacement problems. Unfortunately, the major issue, regarding whether or not operator payment for increased operation and maintenance costs for replacement of water supplies is limited to the current property owner, or rather a right that runs with the land, remains unresolved.

Of the board's committees, the *Regulation, Legislation and Technical Committee* was most active during the reporting period. The Committee provided special advice regarding Land Maintenance Financial Guarantees, Conventional Bonding for Land Reclamation and water supply replacement.

The board continues to encourage the Pennsylvania General Assembly to increase and enhance industry interest in re-mining and reclamation by repeating its prior recommendations in the most current SMCRA Re-mining Incentives Report, especially supporting the adoption of Grayfields legislation.

I thank all board members, alternates, speakers and DEP staff for their participation and support. As the new Chairman, I speak for myself and the Board who recommit ourselves to taking an active interest in the mission of the DEP, the rights and obligations of the industry, and the relationship of both with the citizens of Pennsylvania.

Sincerely,

David Osikowicz,  
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, Co-Chair  
Richard Fox, Co-Chair  
Joseph Deklinski  
Susan Wilson

- **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:**

David Mankamyer, Chairperson  
Mark Snyder  
John M. Ford  
Walter N. Heine, P.E.

- **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 L. Strong, Chairperson  
Jack R. Chamberlin  
Stan Geary  
Robert E. Hughes  
Mark Killar  
Susan M. Wilson

*Deb Simko* of the Western Pennsylvania Coalition for Abandoned Mine Reclamation acts as a resource contact 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.

**Members of the committee:**

Jack Chamberlin, Chairperson  
Sen. Raphael Musto  
Sen. James J. Rhoades  
Rep. James E. Shaner  
Rep. Samuel H. Smith  
David L. Strong  
Susan M. Wilson

## 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 2004 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**.

### 2004-2005 MEETINGS

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#### July 7-8, 2004 (Hazleton/Anthracite Reclamation Field Tour)

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The first meeting during the reporting period featured a field trip to the Hazleton area to visit several reclaimed anthracite mine sites, including, but not limited to:

1. Cranberry Ridge, Cranberry Mine, Hazle Twp., Hazleton – project consists of excavating/grading 2.8 million cu. yards of on-site material, which will eliminate over 3,800 feet of dangerous highwalls. (Cost: \$2.7 million/scheduled completion , January, 2007, by No. Contracting Corp., Ashley, PA);
2. Hell's Kitchen, Foster Twp., Luzerne County – project involved reclamation of 4,500 feet of dangerous highwall. The area was seeded with grasses and native trees, wetlands were created, and 14 acres were enhanced. In addition, 2,100 feet of stream were enhanced. (Cost: \$1.6 million/completed March 21, 2000, by James T. O'Hara, Inc.);
3. Upper Lehigh, Foster Twp., Luzerne County – project involved reclamation of 12 strip pits ranging from 30 to 100 feet deep. The pits were reclaimed using on-site material, restoring 64 acres of abandoned mine land. The area was seeded with grasses and native trees, and three wetlands were created. The project won OSM's 1997 National Abandoned Mine Reclamation and Eastern Regional Awards. (Cost: \$715,000/completed March 11, 1997, by Falls Creek Energy Company, Inc.);
4. White Oak Run, Archbald Borough, Lackawanna County – project involved reclamation of six strip pits with an average depth of 50 feet, which were reclaimed, restoring 105 acres of abandoned mine land, preserving a 0.2 acre wetland, and using a 5.4 acre portion of the site to construct embankments for a shooting range for the Pennsylvania Game Commission (Cost: \$1.4 million/completed June 23, 1992, by Mele Construction Co., Inc.);
5. Jessup Cemeteries, Jessup Borough, Lackawanna County – project will reclaim approximately 80 acres, with gradng work to rehabilitate a stream channel, backfill a mine opening, and replace a deteriorated bridge over Grassy Island Creek. The stream channel will be constructed using fluvial geomorphology, with smaller flows being transported in the main channel and larger flows spreading over the constructed flood plain. This innovative channel construction will provide a natural-looking stream, while

providing a habitat for aquatic wildlife. There will be channel bed protections, and the area will be seeded with grasses, legumes and native trees (Cost: \$1.5 million/scheduled completion on March 9, 2005, by NapCon, Inc.);

6. Blue Coal Corporation, Newport Twp., Luzerne County – project involved removal of hazardous structures and equipment and reclamation of many strip pits with depths up to 400 feet and 1 ½ miles in length. The reclamation restored 22 acres of land, and created 8.5 acres of wetland habitat and 1,350 feet of stream channel (Cost: \$6.4 million/completed July 24, 1997, by Maud Mining Company, Falls Creek Energy Co.);

7. North American Mining, Inc., Newport Township, Luzerne County – project involved reclamation of strip pits using on-site material, restoring 58 acres of land, constructing 0.2 acres of wetland habitat, and grading 2 acres in cooperation with Earth Conservancy for the creation of soccer and baseball fields. (Cost: \$788 thousand/completed September 27, 2001, by No. 1 Contracting Corporation, Ashley, PA).

The board met on July 8, 2004, at the Best Western Genetti Lodge, Hazleton. Ten board members/alternates<sup>1</sup> attended. Also participating were staff from the Department, Jeff Kost (PA Game Commission); Steve Kepler (PA Fish & Boat Commission); Bruce Golden and Deb Simko (WPCAMR); Jason Tarnowski (Pagnotti Enterprises, Inc.); Maureen Shannon (Babst, Calland, Clements and Zomnir); and Pasco L. Schiavo (citizen).

Mark Snyder, Vice-Chairman, called the meeting to order at 8:30 a.m. Mr. Snyder announced that former Board Chairman, Fred Wolf, was retiring from the chairmanship for health reasons, and he asked Nevin Strock (DEP) to draft a letter of thanks to Mr. Wolf for his many years of service.

The Board discussed the highlights of the July 7 field trip and thanked Mike Ferko of the Wilkes-Barre Bureau of Abandoned Mine Reclamation for organizing the trip. Mr. Ferko reminded the Board that it will cost approximately \$1.2 billion to reclaim remaining abandoned mine lands in the anthracite region.

### **Committee Reports**

Neither the *Policy Committee* nor the *Reclamation Committee* had reports.

The *Regulation, Legislation and Technical Committee*, chaired by David Osikowicz, reported its comments on the Department's outreach regarding revision of bonding-related documents. It still is reviewing the Land Maintenance Financial Guarantees technical guidance document (TGD). The Conventional Bonding for Land Reclamation TGD is being revised; and after the Board comments on this document it will be released for public comment and published as final. The Committee agreed to meet at 11:00 a.m.

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<sup>1</sup> Mark Snyder, Co-Chair; Members David Mankamyler; David Osikowicz, Steve Shrawder, and David Strong; and Alternates George Ellis, John Ford, Stan Geary, Susan Germanio and Susan Wilson .



on August 24 regarding the guidelines, with the full board meeting in special session at 2:00 p.m. to discuss the Committee's recommendations and any other agenda items.

The board then received several technical presentations:

### **Grayfields Legislation**

Joe Pizarchik, Director of the Bureau of Mining and Reclamation, reviewed legislation that provides immunities and incentives for people to reclaim and reuse abandoned mine lands and related mine water, which he compared to the current "Brownfields" provisions in state law. The Board asked that this legislation be placed on the agenda for further discussion at the August 24 meeting.

### **Areas Suitable for Reclamation by Remining (Section 4.9)**

Mr. Pizarchik asked for suggestions to implement Section 4.9. A workable program has not been developed due to problems ensuring that mineral owners will allow mining, and that access and funding would be provided to conduct necessary studies, testing and collection of data. George Ellis of the PA Coal Association suggested canvassing the industry to obtain opinions, and to then follow-up on any suggestions received.

### **Water Supply Replacement**

Mr. Pizarchik also asked for suggestions about existing policies governing water supply replacement. The response from six open-house meetings to receive comments from the public was disappointing and provided no insight for resolution of recurrent issues, such as informing citizens of their water replacement rights and avoiding disputes among the affected parties. The Board asked Mr. Pizarchik to provide information about current law and policies and a summary of the recent meetings and outstanding issues. This data would be assigned to the *Regulation, Legislation and Technical Committee* for review.

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

Joseph Schueck, Chief of Acid Mine Drainage Abatement, informed the Board of his presentations at various conferences, including the OSM Mine Pool Workshop in Morgantown, W.V. He then advised that the Department's Notice of the RFP for demonstration of new/improved technology for mine pool water would be published in the July 17, 2004 *Pennsylvania Bulletin*, as well as on relevant webpages. He also stated that point #9 set forth in the RFP was amended to state, "The DEP supports adoption of this program as a tool for calculating costs," rather than as the official tool, which was opposed by Mr. Ellis at the Board's prior meeting. Board members David Strong and David Mankamyer agreed to meet with Deputy Secretary Scott Roberts about Orphan Mine Discharge issues and report to the Board, which can then decide to pursue the issues further or dissolve the special task force. Mr. Ellis suggested that Secretary McGinty be invited to the next Board meeting.

## **Primacy Bond Reclamation Program**

Mr. Don Barnes of the Cambria District Mining Office advised that this Program is being transferred from the Bureau of Abandoned Mine Reclamation to the Bureau of District Mining Offices, because the District Offices are more connected locally, feel a strong obligation to reclaim sites, and have good success in reaching agreements with surety companies and operators.

## **Abandoned Mine Reclamation Projects**

Brian Bradley reported on the status of BAMR projects, including 36 new projects, 18 current projects and some of last year's projects that remain uncompleted.

Under **New Business**, Vice-Chairman Snyder created a nominating committee to name a candidate for Board Chairman to replace retiring Fred Wolf and for Vice-Chairman. George Ellis will chair the committee, assisted by Susan Germanio and Susan Wilson. Their recommendation will be provided at the Board's next meeting.

Other new business included:

A discussion by Joseph Pizarchik about the OSM Mine Pool Workshop, where he learned that many states are following Pennsylvania's example;

Department plans to develop a general permit under the Air Pollution Control Act for coal mining-related facilities and a MOU between the Air and Mining Programs to facilitate coordination;

Concerns raised by the PA Coal Association about the Department's final rulemaking language for amendments to Chapter 86; and

The availability of computer disks from the AMD conference through WPCAMR.

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

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### **August 24, 2004 (Harrisburg)**

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A special meeting of the Board was held on Tuesday, August 24, 2004, at 2:00 p.m. to receive recommendations of the *Regulation, Legislation & Technical Committee*, which met at 10:00 a.m. to discuss Technical Guidance Documents on Land Maintenance Financial Guarantees and Conventional Bonding for Land Reclamation.

There were 14 members and alternates in attendance<sup>2</sup> as well as DEP staff.

Vice Chairman, Mark Snyder, called the meeting to order at 2:00 p.m. He asked everyone to introduce themselves and then asked for the Report of the Committee.

David Osikowicz, Chairman of the Committee advised the Board that it recommended several changes regarding the Land Maintenance Financial Guarantees TGD, as follows:

1. Remove language terminating the LMFG if a permittee fails to make timely application for final Stage 3 bond release;
2. Fees charged for administration must be used for administering the program ONLY; and
3. If an operator files the completion report, the fee charged with initial application should be credited to a future LMFG application.

Mr. Osikowicz moved to recommend publication of the TGD for public review with the changes suggested by the Committee. Jack Chamberlin seconded the motion, and the Board adopted it unanimously.

Mr. Osikowicz then discussed the Committee's recommendations related to the Conventional Bonding TGD, as follows:

1. The Department should attempt to reduce the \$500 maintenance fee on Stage 3 bonds, and possibly use a prorated approach; and
2. The worksheets should provide for a more uniform administration when it comes to pit size, ramp area, benches, etc.

Mr. Osikowicz moved that the Department include the suggestions of the Committee and publish the TGD for public review. The Department should bring a final draft back to the Board after receiving public comments and prior to finalizing the document. Jack Chamberlin seconded the motion, which was unanimously adopted by the Board.

### **Other Business:**

#### Annual Report:

Vice-Chairman Snyder asked the Board for suggestions regarding the Draft Annual Report submitted by Richard Fox, co-Chair of the Annual Report Committee. Susan Wilson recommended that the report recognize former Board chairman, Fred Wolf for his years of service. Susan Germanio moved that the Board adopt the report with additional language to recognize Fred Wolf. Bruce Tetoskie seconded the motion, which was

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<sup>2</sup> Mark Snyder (Vice-Chair), Members Jack Chamberlin, David Mankamyer, David Osikowicz, Steve Shrawder, and David Strong, and Alternates Janis Dean, George Ellis, Duane Feagley, Stan Geary, Susan Germanio, Bruce Tetkoskie and Susan Wilson.

adopted unanimously by the Board, and made a **key obligation** to be accomplished by Nevin Strock of DEP who was assisting with the report.

Nomination of New Chairman:

George Ellis, Chair of the Nominating Committee created after Fred Wolf's resignation as Chairman of the Board, reported that the Committee recommended David Osikowicz as the new Board Chair, with Burt Waite serving as Vice-Chair. David Strong moved to accept the nominations, Jack Chamberlin seconded the motions, and the Board adopted them unanimously.

The Board then received reports on the following issues:

**Grayfields Legislation**

Joe Pizarchik, Director of the Bureau of Mining and Reclamation, summarized draft Grayfields legislation, and asked for suggestions from Board members. David Mankamyer recommended that the Department create a database of grayfield areas and conservation districts that might help with the legislation. Bruce Tetkoskie stated that the Pennsylvania Environmental Council might be interested. Vice-Chair Snyder asked Board members to convey additional comments to Mr. Pizarchik by September 7.

**Water Supply Replacement**

Mr. Pizarchik also briefed the Board on continuing water supply replacement issues. Vice-Chair Snyder created a **key obligation** for the department, asking that information regarding the outreach meetings conducted on the issue in May and June be distributed to Board members and that department staff who participated in the meetings attend the next Board meeting.

Under **New Business**, it was decided that the next Board meeting would be held on Wednesday, October 27, 2005, at 11:00 a.m., rather than on Thursday, October 28, 2005.

The meeting was adjourned at approximately 3:00 p.m.

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**October 27, 2004 (Harrisburg)**

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The board met on October 27, 2004, in the Rachel Carson State Office Building in Harrisburg. Twenty-seven people attended, including 13 board members/alternates,<sup>3</sup> and representatives of the Department and the PA Game Commission.

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<sup>3</sup>David Osikowicz (Chair), Members, Jack Chamberlin, David Mankamyer, Steve Shrawder, Mark Snyder and David Strong; and Alternates Janis Dean, George Ellis, Duane Fegley, Stan Geary, Susan Germanio, Bruce Tetkoskie and Susan Wilson.

David Osikowicz, the new Chairman of the Board, called the meeting to order at 11:00 a.m. He asked everyone to introduce themselves and then asked for Committee Reports.

### **Committee Reports:**

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

The *Reclamation Committee* met prior to the full board meeting to discuss General Permits for Beneficial Use of Residual Waste at Mine Sites, as well as the Orphan Mine Drainage Task Force. David Strong, Chair, stated that Secretary McGinty would like to be advised regarding policies and definitions related to beneficial use and would also like to continue the Task Force.

The Board then received reports on the following issues:

### **Water Supply Replacement Issues/Resolutions**

Joseph Pizarchik, Director of the Bureau of Mining and Reclamation, summarized the water supply outreach meetings held by the Department in May/June, 2004, reviewed potential issues and resolutions, and confirmed that information from the meetings would be distributed to Board members in the near future. Chairman Osikowicz suggested that the *Regulation, Legislation and Technical Committee* meet on this matter prior to the next full Board meeting.

### **Appalachian Regional Reforestation Initiative (ARRI)**

Nevin Strock, Chief, Surface Mining Section, Permits Division, described ARRI, a seven-state cooperative including the Office of Surface Mining, the industry and academia, which reclaims mined lands by planting high-value hardwood trees.

### **Conventional Bonding for Lane Reclamation TGD and Bond Rate Guidelines.**

John Meehan, Surface Mine Conservation Inspector Supervisor for DEP, advised that the changes recommended to the TGD at the August 24<sup>th</sup> special Board meeting have been made and submitted for approval. Mr. Meehan also reviewed the Draft Bond Guidelines for 2005.

### **BAMR Projects/Status Report**

Brian Bradley (BAMR) discussed current, completed and planned BAMR projects.

Under **New/Other Business**, the schedule for the 2005 quarterly Board Meetings was established, and the *Regulation, Legislation and Technical Committee* was scheduled to meet at 9:00 a.m. on January 6, 2005.

The meeting was adjourned upon motion made by David Strong, seconded by Jack Chamberlin, and unanimously adopted.

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### January 6, 2005 (Harrisburg)

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The Board met on Thursday, January 6, 2005, in the Rachel Carson State Office Building. Approximately 31 people attended, including 13 board members/alternates<sup>4</sup>, and representatives of the Department, the Pennsylvania Game Commission, the Federal Office of Surface Mining, the Western Pennsylvania Coalition for Abandoned Mine Reclamation (WPCAMR), The PA State Police, and Malcolm Pirnie, Inc.

Chairman Osikowicz called the meeting to order at 11:00 a.m. He then asked for Committee reports.

#### **Committee Reports**

Neither the *Reclamation Committee* nor the *Policy Committee* had met since the last board meeting and had no reports.

The *Regulation, Legislation and Technical Committee* met before the Board meeting to discuss the Department's **water supply replacement issues**. The Committee made recommendations based upon a response document prepared by the PA Coal Association. The major issue, regarding whether or not obligation for increased operation and maintenance costs for replacement water supplies is limited to the current property owner, or rather a right that runs with the land, remained unresolved. The Board, with one dissenting vote, adopted the other recommendations proposed by the Committee.

Joseph Pizarchik, Director of the Bureau of Mining and Reclamation, stated that the Department will review the Board's recommendations and draft changes to water supply replacement regulations. A copy of proposed changes will be distributed to all Board members before taking a proposed rulemaking to the Environmental Quality Board. The Department will meet with the Federal Office of Surface Mining to assure that draft regulations are no more stringent than federal requirements.

Mr. Osikowicz, who was concurrently serving as Board and Committee Chair recommended that Jack Chamberlin be named Committee Chair, and Mr. Chamberlin accepted.

#### **District Mining Office Workload Analysis**

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<sup>4</sup> David Osikowicz, Chair, Burt Waite (Vice-Chair), and Members Jack Chamberlin, Walter Heine, David Mankamyer, Margaret Urban, and Fred Wolf; and Alternates Joe Deklinski, George Ellis, Richard Fox, Stan Geary, Susan Germanio and Susan Wilson.

Michael Terretti, Director of District Mining Operations, provided eFACTS data and updated the Board about the workload of the district mining offices. Mr. Ellis asked how many complaints were considered valid, and Mr. Mankamyer noted that the number of complaints received in the Cambria Office had doubled between 2003 and 2004. Mr. Terretti explained that the eFACTS complaint tracking system is a useful tool, and the Board asked that a **key obligation** be assumed by the Department to provide a breakdown of complaint resolutions for the April Board meeting.

### **Explosive Storage Magazine Security**

Sgt. Vincent Babich of the PA State Police provided a presentation on explosive storage magazine security, explaining that, in the future, permittees will be required to increase security at magazine sites, provide for regular site inspections, and submit a list of all personnel and storage magazine sites to the Department and local police and fire departments.

Stan Geary moved that the Board recommend compliance with an explosive storage magazine security plan, as approved by the Department, which would meet the standard to “prevent access to the magazines to the greatest extent possible.” Burt Waite seconded the motion which was unanimously approved by the Board.

### **Primacy Bond Forfeiture Reclamation Program Update & BAMR Projects Status**

Mike Terretti reported that the Program has successfully moved from the Bureau of Abandoned Mine Reclamation (BAMR) to the District Mining Offices. Forty-three sites have been placed on a three-year reclamation plan.

Brian Bradley provided a status report on BAMR projects for the last quarter and noted that all abandoned mine land data is now on eFACTS.

### **Stage 2 Bond Rate Study**

John Meehan of the Office of Surface Mining Conservation/Inspection and Bill Allen, Compliance Section Chief for the Bureau of Mining and Reclamation, summarized their study of approved Stage 2 mining sites. The study was requested by Board members who believed that a bonding rate of \$500/acre for sites at this stage of bond release was excessive. After carefully reviewing 45 sites, it was recommended that the bonding rate be reduced to \$300/acre.

### **Blanket Bonds**

Joe Pizarchik advised the Board that the Department will meet with the Federal Office of Surface Mining and the industry to explain the concept and discuss concerns about such a program.

## **EPA Proposed Rulemaking/Mercury Standards**

John Slade, Bureau of Air Quality, discussed proposed regulations by the Environmental Protection Agency regarding new mercury control requirements that will increase regulation of emissions from power plants. His written presentation would be made available to all interested Board members.

The meeting was adjourned at 3:30 p.m.

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### **April 28, 2005 (Harrisburg)**

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The board met on Thursday, April 28 at 10:00 a.m., in the Rachel Carson State Office Building. Approximately 29 people attended, including 13 board members/alternates<sup>5</sup>, and representatives of the Department, the Federal Office of Surface Mining, the Western Pennsylvania Coalition for Abandoned Mine Reclamation, the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation, and the PA Game Commission

The meeting was called to order by Chairman Osikowicz at 10:00 a.m. Everyone introduced themselves, and the minutes from the October 27, 2004 and January 8, 2005 minutes were unanimously adopted upon motion made and seconded.

#### **Committee Reports**

There were no Committee Reports.

The Board then received the following reports on various issues.

#### **Water Supply Replacement Issues and Resolutions Update**

Mick McCommons spoke on behalf of Joe Pizarchik of the Bureau of Mining and Reclamation. He reported that regulations will be developed and proposed to the Board at its summer meeting. The regulations will include supply replacement alternatives and changes to the amount of water required to be considered adequate supply replacement. Responses to the PA Coal Association's comments will be included with the rulemaking package.

#### **Industry Roundtable Summary**

Bob Agnew spoke on behalf of Scott Roberts, Deputy Secretary for Mineral Resources, regarding the meeting held on March 31, 2005, which was attended by the PA Coal

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<sup>5</sup> David Osikowicz (Chair); Members Jack Chamberlin, David Mankamyer, Mark Snyder, David Strong, Margaret Urban and Fred Wolf; and Alternates Janis Dean, George Ellis, Duane Feagley, Stan Geary, Susan Germanio, and Bruce Tetkoskie.



Association, the department and mine operators. Bonding, permitting, fees and the department's eLibrary were some of the topics discussed at the meeting.

### **SMCRA Remining Incentives Report – 2004**

John Meehan of the Surface Mining Conservation/Inspection Office, reminded the Board that this annual report would soon be due. Sue Germanio and Stan Geary volunteered to review the Report and suggest changes or additions, based on recommendations made in the prior year's report.

### **Draft Proposed Rulemaking on Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites**

Nevin Strock, Chief of the Surface Mining Permits Section, discussed proposed changes, which the board unanimously approved upon motion made by David Strong and seconded by Jack Chamberlin.

### **BAMR Projects/Status Report**

Brian Bradley gave his regular report on BAMR projects for the last quarter.

### **Blanket Bonds Update**

Bob Agnew provided an update on the progress of discussions regarding the Blanket Bonds issue. In the Blanket Bond system, one bond would cover the liability on every site, instead of an operator being required to obtain a bond for each site, which is the current system.

### **Explosive Storage Magazine Security Regulations**

Rick Lamkie gave an update on the submitted revisions to these regulations. The Independent Regulatory Review Commission disapproved the rulemaking, but the Environmental Quality Board approved it.

### **Mine Waters and Metals Recovery**

Joe Schueck of the Bureau of Abandoned Mine Reclamation spoke about current and completed projects, and Dan Sammarco discussed and displayed products that can be created using metal and resource recovery.

### **New Business**

It was announced that the Board's 2003-2004 Annual Report has been completed and is available online. It was forwarded to the members of the House and Senate Environmental Resources Committees.

Chairman Osikowicz noted that Nevin Strock had previously suggested that the Board may want to hold its 2005 summer meeting in conjunction with the Annual Mine Water Treatment Technology Conference in Pittsburgh. The Conference will take place from August 16 through August 18, 2005. A motion was made by Dave Mankamyer, seconded by David Strong, and unanimously adopted to change the Board's July meeting to August 15, 2005, the day prior to the Conference. The revised date will be published in The Pennsylvania Bulletin.

The meeting was adjourned upon motion made, seconded and unanimously adopted.

## **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 2004 – June 2005**

<b>Board Chairperson</b>	David Osikowicz
<b>Board Vice Chairperson</b>	Burt Waite
<b>Annual Report Committee Co-Chairpersons</b>	Richard Fox and Susan Germanio
<b>Policy Committee Chairperson</b>	David Mankamyer
<b>Reclamation Committee Chairperson</b>	David Strong
<b>Regulation, Legislation and Technical Committee Chairperson</b>	Jack Chamberlin

## Appendix C

### BOARD MEMBERSHIP FOR THE REPORTING PERIOD July 2004 – June 2005

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



## Appendix D

### MEETING DATES DURING THE REPORTING PERIOD July 2004 – June 2005

<b>Date</b>	<b>Location</b>	<b>Meeting</b>
July 7-8, 2004	Hazleton (Field Tour)	Full Board
Aug. 24, 2004	Harrisburg	Full Board
Aug. 24, 2004	Harrisburg	Regulation, Legislation and Technical Committee
Oct. 27, 2004	Harrisburg	Full Board
Oct. 27, 2004	Harrisburg	Reclamation Committee
Jan. 6, 2005	Harrisburg	Full Board
Jan. 6, 2005	Harrisburg	Regulation, Legislation and Technical Committee
Apr. 28, 2005	Harrisburg	Full Board

## Appendix E

### MRAB COMMITTEES FOR THE REPORTING PERIOD July 2004 – June 2005

#### Annual Report Committee

<p>Susan Germanio (Alternate), <b>Co-Chair</b>  Pa House of Representatives  House Box 202020  425 Main Capitol Building  Harrisburg, PA 17120-2020  Phone: 717-783-5415  Fax: 717-772-3605</p>	<p>Joseph Deklinski (Alternate)  PA House of Representatives  240 Ryan House Office Building  House Box 202020  Harrisburg, PA 17120-2020  Phone: 717-783-4707  Fax: 717-705-2095</p>
<p>Mr. Richard Fox (Alternate), <b>Co-Chair</b>  PA State Senate  Rm. 17, E. Wing, Main Capitol Building  Harrisburg, PA 17120-3014  Phone: 717-787-7105  Fax: 717-783-4141</p>	<p>Susan M. Wilson (Alternate)  Citizens Advisory Council  P.O. Box 8459  13<sup>th</sup> FL RCSOB  Harrisburg, PA 17105-8459  Tel: 717-787-4527  Fax: 717-772-5748</p>

#### Policy Committee

<p>David Mankamyer, <b>Chairman</b>  152 Aviator Lane  Friedens, PA 15541  Tel: 814-445-8618  Fax: 814-444-9666</p>	<p>Mark A. Snyder  State Industries, Inc.  P.O. Box 1022  Kittanning, PA 16201  Tel: 724-548-8101  Fax: 724-545-2989</p>
<p>Walter N. Heine, P.E.  Walter N. Heine Associates, Inc.  67 Graham Road  Newville, PA 17241  Tel: 717-776-5696</p>	<p>John M. Ford (Alternate)  Hazleton Standard Fuel Company, Inc.  962 N. Laurel Street  Hazleton, PA 18201-1998  Tel: 570-454-0504  Fax: 570-454-4521</p>

### Reclamation Committee

<p>David L. Strong, <b>Chairman</b>  P.O. Box 162  Brockway, PA 15824  Tel: 814-371-6142</p>	<p>Stan Geary (Alternate)  PA Coal Association  212 N. Third Street, Suite 102  Harrisburg, PA 17101  (717) 236-5901  FAX: (717) 231-7610</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>Jack R. Chamberlain  702 Chamberlin Road  Brookville, PA 15825  Tel: 814-849-5598  FAX: 814-849-7166</p>
<p>Robert E. Hughes (Resource Contact)  EPCAMR  1485 Smith Pond Road  Shavertown, PA 18704</p>	<p>Susan M. Wilson (Alternate)  Citizens Advisory Council  P.O. Box 8459  13<sup>th</sup> FL RCSOB  Harrisburg, PA 17105-8459  Tel: 717-787-4527  Fax: 717-772-5748</p>
	<p>Deb Simko (Resource Contact)  WPCAMR  Donohoe Center, R.R. 12, Box 202-B  Greensburg, PA 15601</p>

**Regulation, Legislation and Technical Committee**

<p>Jack R. Chamberlin, <b>Chairman</b>          702 Chamberlin Road          Brookville, PA 15825          Tel: 814-849-5598          Fax: 814-849-7166</p>	<p>David L. Strong          P.O. Box 162          Brockway, PA 15824          Tel: 814-371-6142</p>
<p>The Honorable Raphael Musto          Senate of Pennsylvania          Senate Post Office Box 203014          Harrisburg, PA 17120-3014          Tel: 717-787-7105          Fax: 717-783-4141</p>	<p>The Honorable James J. Rhoades          Senate of Pennsylvania          Senate Post Office Box 203029          Harrisburg, PA 17120-3029          Tel: 717-787-2637          Fax: 717-783-9149</p>
<p>The Honorable Samuel H. Smith          Pennsylvania House of Representatives          House Post Office Box 202020          Harrisburg, PA 17120-2020          Tel: 717-787-3845          Fax: 717-787-6564</p>	<p>The Honorable James E. Shaner          Pennsylvania House of Representatives          House Post Office Box 202020          Harrisburg, PA 17120-2020          Tel: 717-772-5771          Fax: 717-787-0861</p>
<p>David D. Osikowicz          Original Fuels, Inc.          O.O. ox 343          Punxsutawney, PA 15767          Tel: 814-938-5171          Fax: 814-938-5008</p>	<p>Susan M. Wilson (Alternate)          Citizens Advisory Council          P.O. Box 8459          13<sup>th</sup> FL RCSOB          Harrisburg, PA 17105-8459          Tel: 717-787-4527          Fax: 717-772-5748</p>