

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Thursday, October 27, 2005

10:00 A.M.

**Room 105, Rachel Carson State Office Building
Harrisburg, PA**

Members/Alternates in attendance: George Ellis (Alternate), Richard Fox (Alternate), Burt Waite (Member), David Strong (Member), Bruce Tetkoskie (Alternate), Edward Helfrick, Jr. (Member), Duane Feagley (Alternate), Jack Chamberlin (Member), Stan Geary (Alternate), Sue Germanio (Alternate), David Mankamyer (Member), and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Joe Pizarchik (DEP), Jeff Kost (Pa. Game Commission), Richard Morrison (DEP), Marc Roda (DEP), Curtis Kratz (Penn E & R), Joe Sieber (DEP), Autumn Sabo (DCNR), Doug Brennan (DEP), George Rieger (OSM), Brian Bradley (DEP), Tom Callaghan (DEP), Patricia Davenport (DEP), Bill Allen (DEP) and Lara Logan (DEP).

Meeting Called to Order

Chairman David Osikowicz and Vice-Chair Mark Snyder could not attend the meeting. George Ellis, alternate to both the Chair and Vice-Chair, called the meeting to order at 10:00 a.m. He welcomed everyone and asked them to introduce themselves. Mr. Ellis asked the record to reflect Lara Logan's work during her two-year tenure as clerical support for the Board, and introduced Patricia Davenport, BMR, new clerical support for the Board. The minutes from the April 28 and August 15 meetings were brought before the Board for approval. Stan Geary moved to approve the minutes as presented. Burt Waite seconded the motion and the Board unanimously approved them.

Correspondence

The Board was not in receipt of any correspondence.

Committee Reports

- No Policy Committee report.
- No Regulation, Legislation and Technical Committee report.
- The Reclamation Committee did not meet, but Dave Mankamyer gave a review on an OSM initiative to plant hardwoods on reclaimed strip mine land. A project located in Somerset County would produce a renewable energy resource low in potential environmental hazards.

Storage Tanks on Coal Mining Permits

- Bill Allen, DEP, spoke on a proposed technical guidance document (TGD) for regulation of aboveground storage tanks located on permitted coal mine sites. The guidance sets guidelines to assist in keeping track of the location of the tanks and what they contain, assuring that they are maintained and operated safely, and that they are removed when no longer in use. Currently the use and maintenance of tanks is not specifically regulated. Mr. Ellis asked that the Department send the TGD to the Board when the official draft is prepared.
- Stan Geary, Pennsylvania Coal Association (PCA), had suggestions for two changes. He asked that the wording on page three regarding procedures to be followed note that the bulleted items are not meant to be considered an all-inclusive listing. Mr. Geary also pointed out that in the paragraph under “Containment” on page 4, the second and last sentences of the paragraph are identical.

Key Obligation: DEP shall send the Board a copy of draft TGD 563-2112-101 when it is officially prepared and has gone through the comment and response process.

Bonding Rate Guideline Update

- Mr. Allen gave a report on the draft bond rate guidelines for 2006. It will be in place as of January 2006. The Department also informed the Board that recent reclamation proposals were significantly higher than the amount of collected bond. The Board was asked for advice on how to address these high bids to prevent deficiencies/shortfalls in the bond forfeiture funds for reclamation. New guidelines were established for tire removal and removal of transformers. It was suggested that the Department look over and revise bond rate guideline numbers more frequently than one time a year.

Pennsylvania Natural Diversity Inventory (PNDI) and Pennsylvania Natural Heritage Program (PNHP)

- Autumn Sabo, DCNR, and Joe Sieber, DEP, spoke on the PNDI, an online resource tool that enables the public to perform online searches for potential impacts to special concern resources and species in Pennsylvania.

Mine Opening Blasting and Security Enhancement Regulation Update

- Joe Pizarchik and Bill Allen gave an overview of proposed mine opening blasting regulations. Mr. Geary noted that he was unhappy with wording in a few sections of the regulations, particularly those dealing with the definition of mine opening blasting in regards to surface mining, as he felt that lower level blasting is not, by definition, a surface mining activity. The Department explained the statute did include all work associated with the construction of shafts in the definition of surface mining activities. The changes are to address problems where the air blast at a mine shaft exceeded standards. The proposed changes balance the protection of public safety and the safety of

the workers. After lengthy discussion, Mr. Geary moved that the Department proceed with the regulations, in exception of the following areas:

- 87.1 – Definition of mine opening blasting
- 87.127(a) – Proposed amendment
- 88.1 – Definition of mine opening blasting
- 88.135(a) – Proposed amendment
- 88.493(7)(i) – Proposed amendment
- 89.5 – Definition of mine opening blasting
- 89.62 – Proposed amendment
- 210.11 – Definition of mine opening blasting
- 210.12 – Proposed amendment
- 210.17 – Proposed amendment

Jack Chamberlin seconded the motion, and the Board took a vote on the motion, ending with four votes for approval, four against, and one abstention. After another discussion, Walter Heine moved that the regulations be approved in their entirety, without changes. Mr. Chamberlin once again seconded the motion, and the votes counted as four for approval, four against and one abstention. It was then decided the Department was to proceed to the Environmental Quality Board (EQB), explaining the vote on the two motions, the Department would attempt to resolve PCA's concern and, on depending on the timing of the EQB meeting, would bring the rulemaking back to the Board if the EQB meeting occurred after the next Board meeting.

Growing Greener 2 Remining Update

- Mr. Pizarchik and Tom Callaghan, DEP, gave an update on the remining and GFCC programs under development to implement part of the Growing Greener 2 program. The Department is creating a remining incentive program, similar to the Small Operators Assistance Program currently in use in DEP. The GFCC program is being modified to provide funding for those Priority 1 or 2 sites or sites with discharges where the value of the coal that must be removed to reclaim the site is inadequate to cover the cost of reclamation.

BAMR Projects/Status Report

- Brian Bradley reported on the status of BAMR projects over the last quarter.

Proposed 2006 Meeting Dates

- The 2006 quarterly meeting dates will be on January 5, April 27 and October 26, 2006. The location of the July meeting will be decided at the April meeting, and will more than likely be held the first week of July.

New Business

- Joe Pizarchik gave an update on the efforts to persuade EPA to consider updating the manganese effluent limits.

Open Time

- Sue Germanio brought up the Annual Report, and it was decided that Joseph Deklinski would prepare the 2004-2005 Annual Report.

Key Obligation: Get an electronic copy of the 2004-2005 Annual Report and all minutes from the 2004-2005 Board meetings to Sue Germanio.