

Annual Report

July 2003 – June 2004



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 2004.

A Message From MRAB Vice Chairman and Acting Chairman Mark Snyder

September, 2004

On behalf of the Mining and Reclamation Advisory Board (MRAB), I am pleased to present this report, detailing the board's activities from July 2003 to June 2004.

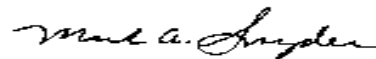
The board continues to address environmental problems related to past coal mining practices, while ensuring that today's operators do not contribute to these problems. To this end, the board spent considerable time during the past year on orphan mine discharges, incentives for remining, and the reauthorization of the Federal Abandoned Mine Land (AML) Fund.

The board met four times during this period, beginning with a field tour to Allegheny, Greene, and Washington counties to tour acid mine drainage treatment projects. The tour highlighted a number of projects to reclaim abandoned mine lands and treat streams affected by acid mine drainage. These projects reaffirmed the benefits of working together to solve 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.

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,

A handwritten signature in cursive script, appearing to read "Mark A. Snyder".

Mark Snyder
Acting Chairman

ACKNOWLEDGEMENT

The Mining and Reclamation Advisory Board (MRAB) would like to recognize Fred Wolf for his 7 years of service as Chairman of the MRAB. We are hopeful Mr. Wolf's health will allow him to continue to serve as a member of the MRAB. The MRAB, Department of Environmental Protection and the citizens of the Commonwealth of Pennsylvania have benefited from Mr. Wolf's extensive experience and expertise in the mining and reclamation field.

**Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063**

Secretary

717-787-2814

Fred W. Wolf, P.E.
Penn Equipment Corp.
15 Main Street
Port Carbon, PA 17965

Dear Mr. Wolf:

On behalf of the Department of Environmental Protection, Mining and Reclamation Advisory Board (MRAB) and the citizens of the Commonwealth of Pennsylvania, we thank you for your many years of service as Chairman of the MRAB. Your dedication for ensuring that coal is surface mined in an environmentally responsible manner and that pre-Act abandoned mine land is properly reclaimed is admirable. Under your leadership, the MRAB has maintained a strong interest in addressing the environmental problems associated with coal mining. The MRAB's formation of an Orphan Mine Discharge Task Force is indicative of that interest and a resultant focus on the problems that need to be addressed.

As we continue to move forward in facing the environmental challenges associated with coal mining, we are optimistic that the leadership and dedication you demonstrated as Chairman of the MRAB will serve as an inspiration to all Board members and Department staff.

Sincerely,



Kathleen A. McGinty
Secretary

Table of Contents

Introduction	1
The Board's Committees	2
Annual Report Committee	2
Policy Committee.....	2
Reclamation Committee.....	2
Regulation, Legislation and Technical Committee.....	3
The Full Board	4
July 9 – 10, 2003	4
October 23, 2003.....	6
January 8, 2004	9
April 22, 2004	11
Special Committee/Task Force Activity	
May 20, 2004	14
Appendix A. Bylaws of the Mining and Reclamation Advisory Board	16
Appendix B. Officers of the Board for the Reporting Period	
(July 2003 – June 2004)	20
Appendix C. Board Membership for the Reporting Period	
(July 2003 – June 2004)	21
Appendix D. Meeting Dates During the Reporting Period	
(July 2003 – June 2004)	22
Appendix E. MRAB Committees for the Reporting Period	
(July 2003 – June 2004)	23

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
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
Stan Geary (*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 four times, beginning with a field tour during the July 2003 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 9-10 (Allegheny, Greene, and Washington Counties Field Tour)

The first meeting during the reporting period featured a field trip to Allegheny, Greene, and Washington counties on July 9 to visit the following sites:

- Abandoned mine discharges from the Pittsburgh Coal seam in Forward Township, Allegheny County.
- The Mon View Mining Mathies Mine in Union Township, Washington County to see acid mine discharges that are alkaline and high in iron.
- The Clyde Mine acid mine drainage treatment plant in East Bethlehem Township in Washington County. The mine pool is being treated to prevent a discharge to Ten Mile Creek. The Department of Environmental Protection will inherit the plant due to the bankruptcy of the mine company.
- Mather Coal refuse pile reclamation project in Morgan Township, Greene County.
- Nemaquin refuse pile acid mine drainage treatment plant that treats refuse pile seeps.
- Duquesne Light acid mine drainage plant in Whitely Township, Greene County.
- Shannopin deep mine in Dunkard Township, Greene County. There is a proposal to pump and treat mine pool water to facilitate active mining and provide a water supply to a proposed power plant.

The board met on July 10 at the Holiday Inn in Belle Vernon. Eleven board members/alternates¹ attended. There was a discussion of the field tour the previous day. A resolution and press release were prepared to support the advantages of cogeneration and stating that the board supported the concept of cogeneration in southwestern Pennsylvania.

There was a report given by the Reclamation Committee. The committee reported that it was working on maps for mine discharges and mine pools. It was suggested that the maps be available at the county level. There was also a discussion of the Bark Camp project and the report on that project.

The Annual Report Committee circulated copies of the July 2002-June 2003 Annual Report for review and comment.

The board then received several presentations:

¹ Fred Wolf, Chair; Members Jack Chamberlin, David Mankamyer; Mark Snyder, Steve Shrawder David Strong, Margaret Urban and Burt Waite; and Alternates, Susan Germanio, Sue Wilson, and Michael Young.

Report on the 5th Annual Watershed Conference on Abandoned Mine Reclamation

Bruce Golden with the Western Pennsylvania Coalition for Abandoned Mine Reclamation reported on the conference that was held on May 15- 17, 2003 in Mayfield, Pennsylvania. Presentations at the conference included the recovery of iron oxide from mine drainage, the chemistry of acid mine drainage discharges, beneficial uses of mine water, and watershed planning.

Draft Safe Fill Regulations

Khatija Satyaswaroop with the Department's Bureau of Land Recycling and Waste Management discussed the draft final regulations and said that there would be another opportunity for public comment.

Report on the Joint Legislative Air and Water Pollution Control and Conservation Committee's Public Hearing on Coal Ash

The hearing was held to discuss the use of coal ash to reclaim mine lands. The department did a good job of getting a positive message out on the use of coal ash. The department requested that the board write a letter to the chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee regarding the board's position on coal ash and reclamation.

Ad Hoc Committee on Federal SMCRA Reauthorization

Sue Wilson, chair of the committee, has been providing information to the board on this issue. The department has been working on letters of support for reauthorization and has met with officials from the Office of Surface Mining and Pennsylvania's Congressional delegation on this issue.

Orphan Mine Discharge Task Force Report/Draft Resolutions

The 19 resolutions submitted by the task force were adopted and posted on the department's website.

Bureau of Abandoned Mine Reclamation Project Status Report

Joe Schueck gave the report for the quarter ending June 2003. There are 34 construction projects in progress and five construction projects completed. The bureau usually does \$12 million in construction projects each year.

Next meeting of the board was scheduled for October 23, 2003 in Harrisburg.

October 23, 2003 (Harrisburg)

The board met on October 23, 2003, 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, Wellington Development, Inc., the Federal Office of Surface Mining (OSM), Penn E & R, and the department.

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

The *Policy Committee* had no report.

The *Reclamation Committee* had no report.

Stan Geary gave a report on behalf of the *Regulation, Legislation and Technical Committee*. He reported on House Bill 275, the “Abandoned Mine Management and Mine Reclamation Tax Credit Act.” The bill was introduced by Representative Stevenson. The bill would create a \$2 per ton tax credit on coal production from remining operations, including waste coal recovery. The board had previously recommended that House Bill 275 be enacted.

Mr. Geary also discussed the beneficial use of fly ash and the hearing held in Tamaqua by the Joint Legislative Air and Water Pollution Control and Conservation Committee on July 9, 2003. Chairman Fred Wolf said that the issue of fly ash is a serious one and that the department needs to work faster to get the permits issued. He also pointed out that the Schuylkill County commissioners are opposed to the use of fly ash. The board agreed to provide the commissioners with a copy of an earlier letter that was sent to Representative Hutchinson stating the board’s position on fly ash.

Chairman Wolf also raised the proposed moratorium on the use of fly ash by Representative Argall. Ms. Wilson reported that the Citizen’s Advisory Council sent a letter to Representative Argall supporting the beneficial use of fly ash.

At the suggestion of Ms. Wilson, the board directed the Regulation, Legislation and Technical Committee to look at federal legislation providing for federal tax credits for the use of waste coal.

Ms. Wilson reported on the *Ad Hoc Committee on Federal Surface Mine Control and Reclamation Act Reauthorization*. It was reported that the current legislation to reauthorize the act is not acceptable for Pennsylvania. Funding should go back to the states based on historical production, and the current legislation does not express that

² Fred Wolf (Chair); Members Jack Chamberlain, David Mankamyer, Steve Shrawder, David Strong, and Bert Waite and Alternates Duane Feagley, Richard Fox, Stan Geary, Walter Heine, Patricia Krommes, Bruce Tetkoskie, and Sue Wilson.

strongly enough. Also, the current act has two remaining incentives in it that will expire in September 2004 and these incentives are not included in the current reauthorizing legislation.

The board agreed to send a letter to legislators expressing their support and concerns with the current reauthorization bills.

Sue Germanio reported on the *Annual Report Committee*. The board's Annual Report was completed on July 4. Mr. Wolf expressed his gratitude to Ms. Germanio for an excellent job on getting the report written and making it available.

The members of the *Orphan Mine Discharge Task Force* discussed a report titled "Use of Mine Pool Water for Power Plant Cooling." The report discusses the use of mine pool water and the legal issues regarding its use. The report will be distributed to board members.

Mr. Joseph Schueck reported on the April 2003 meeting of the task force. The Shannopin mine pool in Greene County was discussed.

The board agreed to have the 19 resolutions of the task force presented to Secretary McGinty for her review.

The board then heard several presentations, including:

Chapter 86 Regulatory Package

Amendments to Chapter 86 of the mining regulations were discussed. Draft final amendments titled "Chapter 86 Coal Mining Amendments" (#7-376) were not presented to the board, as the department's internal review was not completed. However, the department did request the board's comments and approval of draft proposed amendments to terminate the \$100 per acre reclamation fee and to make various changes required by the Office of Surface Mining. David Mankamyer moved and Jack Chamberlin seconded the motion to adopt the proposed amendments.

Bonding Update

John Meehan with the Bureau of Mining and Reclamation gave a report on the Conventional Bonding Program. The program was reviewed over the summer of 2003 and it was found that the change to conventional bonding was accomplished as envisioned by the department. Any changes that are needed to the program can be accomplished through revisions to the technical guidance document on conventional bonding.

New Bond Rate Guidelines were to be published in the Pennsylvania Bulletin in December 2003 with an effective date of January 1, 2004.

Bark Camp Project

Paul Linnan of the department reported on the Bark Camp Project. The final draft of the report will soon be released for review. With the exception of chlorides, no chemical parameters have increased from levels established before the program began. An increase in chlorides at various surface and groundwater locations was noted. Water monitoring will be ongoing.

Elevated Carbon Dioxide in Homes/Manganese Effluent Standard

Keith Brady with the Bureau of Mining and Reclamation discussed a draft fact sheet on how elevated carbon dioxide levels can be detected in homes. The effect of elevated carbon dioxide levels on the occupants and simple solutions to reduce the levels was also discussed. One solution is to push air under the house to create a bubble of fresh air.

As a follow up to an earlier board meeting, the federal regulation on manganese was discussed. While there is a basis for the regulation, it was felt that more study is needed to determine if the benefits of removing the manganese is worth the extra cost.

Nemacolin Coal Refuse Recovery Project

Mr. Bill Derby, president of Wellington Development Corporation, gave a presentation on the project. The project involves the construction of a 500-megawatt power generating facility using 150 million to 180 million tons of coal waste. The project is located in Greene County north of Nemacolin. The fuel will be transported by barge. Mr. Derby also discussed the environmental and economic benefits of the project.

Mr. Wolf presented Mr. Derby with a certificate of appreciation on behalf of the board.

Shannopin Acid Mine Drainage Project

Mr. Christopher Colbert, president of AMD Reclamation, Inc., gave a presentation on the Shannopin Mine Project which involves the planned construction of a \$7.1 million treatment facility in Greene County. The facility will treat an estimated five million gallons of discharge a day from the Shannopin mine pool. The treated water will be discharged to the Dunkard Creek. By lowering the mine pool, mining of the Sewickley coal seam will be possible. This operation will prevent the discharge of millions of gallons per day of acid mine drainage from entering Dunkard Creek and the Monongahela River. The project will create 200 jobs.

Mr. Wolf presented Mr. Colbert with a certificate of appreciation on behalf of the board.

The next Board meeting was scheduled for Thursday, January 8, 2004, in Harrisburg.

January 8, 2004

The board met on Thursday, January 8, in the Rachel Carson State Office Building. Approximately 40 people attended, including 14 board members/alternates³, and representatives of Western Pennsylvania Coalition of Abandoned Mine Land Reclamation, Exelon, Anthracite Region Independent Power Producers Association, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, Citizens Advisory Council, OSM and DEP.

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

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

Dave Osikowicz gave a report on behalf of the *Regulation, Legislation and Technical Committee*. The committee commented on House Bill 3531. This is federal legislation, which extends the coverage for existing facilities to get tax credits for another 10 years and to give coverage to new facilities that come online. The amount is \$1.50/ million BTUs. The facilities must meet a requirement of burning fuel that is 75 percent waste coal.

After further discussion on the legislation, the board agreed to give its support to the legislation.

Scott Roberts, Deputy Secretary for Mineral Resources Management, reported for the *Ad Hoc Committee on Federal Surface Mining Control and Reclamation Act (SMCRA) Reauthorization*. Mr. Roberts said that recent changes to the reauthorization legislation are of concern. There would now be a 20 percent reduction in the reclamation fees paid and the fees were extended to 15 years to 2019. The reason for the extension was to use the fees to complete Priority 1 and 2 land reclamation sites. The bill also removes the 1992 remining incentives and did not change the allocation formula. As production has shifted from Eastern states to Western states, the money will go to the states with the highest production rates. These western states, however, collectively have less than 2.5 percent of the nation's abandoned mine land.

The current reclamation fees expire on September 30, 2004. Mr. Roberts said that the Office of Surface Mining is preparing draft regulations to continue the fee if the reauthorization legislation is not passed.

Orphan Mine Discharge Task Force

³ Fred Wolf, Chair, Members Walter Heine, David Mankamy, David Osikowicz, Steven Shrawder, and Margaret Urban, and Alternates Wayne Crawford, Janis Dean, George Ellis, Duane Feagley, Richard Fox, Stan Geary, Susan Germanio, and Sue Wilson.

Mr. Joe Schueck with the Bureau of Mining and Reclamation reported on the activities of the task force. Mr. Schueck reviewed the 19 resolutions dealing with orphan mine discharges. Board members had questions regarding some of the resolutions dealing with acid mine drainage treatment (#9), the market based approach to mine water treatment (#11), and economic metals recovery (#1).

The board then heard several presentations, including:

EPA's Effluent Limitation Guidelines for Coal Remining/BMP-Only Permits

Roger Hornberger, with the department's district mining operations, and Michael Smith, the District Mining Manager at the Moshannon District Office, gave a presentation on the new guidelines from the U.S. Environmental Protection Agency. The proposal is to make a minor modification to state mining regulations to include a BMP-Only permit. This would create a permit that is BMP-based and not based on numeric limits. The January 23, 2002 Federal Register was referenced.

Mr. Smith described a survey of 109 remining sites with 236 pre-existing discharges. The survey compared a year's worth of data. Less than 2 percent of the sites had worsened water quality, and the amounts of acidity, aluminum, iron, and manganese had decreased. The new regulations say that where you have problems with baseline monitoring, you can apply for a BMP-Only permit. The permit would apply to areas where the discharge is going directly to a receiving stream, where there are many diffuse seeps, and on steep slopes.

The board recommended that the department pursue a regulatory change to implement the new permit provisions of EPA's effluent limitation guidelines for coal remining.

Energy Development

Daniel Desmond, the Deputy Secretary for the Office of Energy and Technology Development, presented information on the activities of the newly created office. Mr. Desmond said that the department is looking for ways to find energy that is cleaner and works on a smaller scale. A new Energy Harvest grant program has \$5 million worth of grants for waste coal, agriculture and other innovative energy development projects. The department has received \$46 million worth of grant applications for this one program.

The department is also considering a carbon/nutrient trading bank for Pennsylvania. This would be an economic mechanism where landowners can sequester various bankable credits and derive some economic benefits from this sequestration.

Bureau of Abandoned Mine Reclamation Projects and Status Report

Brian Bradley with the bureau gave the status of the bureau's projects for the months of October, November, and December.

Exelon Mine Water Demonstration Project

Rick Sands of the URS Corporation talked about the Exelon Mine Water Demonstration Project. The project promotes source water protection and addresses acid mine drainage.

The project centers around the Perkiomen Creek, the Schuylkill River, Still Creek, and East Norwegian Creek. The goals of the project are to obtain 14.4 million gallons of water per day for a four to six month period and to see if water quality remains acceptable, to monitor the effects of the mine water on the Schuylkill River and drinking water intakes, to use the Still Creek Reservoir to help achieve water quantity and quality goals, to reduce diversions from the Delaware River, and to involve communities and stakeholders.

Pumping began on July 11, 2003 and ended on October 16, 2003. A one-year extension on the demonstration was approved. The maximum daily pumping rate was 11.9 million gallons per day with an average of 8.5 million gallons per day. There were no problems with subsidence, water wells, or depletion of surface water.

Biosolids General Permits

Denise Uzupis with the Office of Water Management discussed the proposed revisions to the general permit for the land application of biosolids. The revisions were started in 2002 and published for review in November 2003. Many of the proposed changes had to do with odor control.

The next board meeting was scheduled for April 22, 2004 in Harrisburg, and the meeting was adjourned at 2:05 p.m.

April 22, 2004

The board met on Thursday, April 22 at 10:00 a.m., in the Rachel Carson State Office Building. Approximately 35 people attended, including 15 MRAB board members/alternates⁴, representatives of the Pennsylvania Game Commission, Anthracite Region Independent Power Producers Association, Environmental Group Services, and the Susquehanna River Basin Commission.

The meeting was called to order by Chairman Wolf.

Motions were made and approved to accept the minutes of the January 8, 2004 board meeting.

Mr. Wolf announced reappointments of members and alternates: George Ellis, Stan Geary, David Mankamy, Robert Hughes, Margaret Urban, Walter Heine, John Ford, Burt Waite, and David Strong.

Mr. Wolf also indicated that a letter was sent by the board to Secretary McGinty congratulating her on her handling of the general permit issues regarding the beneficial use of dredge material, kiln dust, and coal ash in reclamation. Mr. Wolf also sent a letter

⁴ Fred Wolf (Chair); Members Jack Chamberlin, Walter Heine, Steven Shrawder, David Strong, and Margaret Urban; and Alternates Joe Deklinski, George Ellis, Duane Feagley, Richard Fox, Stan Geary, Sue Germanio, Robert Hughes, Bruce Tetkoskie, and Susan Wilson.

to Senators Santorum and Specter asking for a reauthorization of abandoned mine land reclamation fee.

Committee Reports:

1. The *Policy Committee* had no report.
2. The *Reclamation Committee* had no report.
3. David Strong spoke on behalf of the *Regulation, Legislation and Technical Committee*. While the committee did not meet, there was a discussion on manganese treatment and bonding/trust funds. The Bark Camp Project is complete.

Update on Reauthorization of the Abandoned Mine Land Reclamation Fee

Rod Fletcher with the Bureau of Abandoned Mine Land Reclamation spoke about current House and Senate legislation to reauthorize the fee. There are four bills in the Senate and two in the House. The fee will expire by the end of September 2004 and if it is not reauthorized there is a possibility for a short-term extension. Different states have taken different positions on each of the bills. Pennsylvania's Congressional delegation has been active on the legislation. The department has provided testimony to Congress on the reauthorization and copies of the department's testimony have been provided to the board.

Draft SMCRA Remining Incentive Report 2003

John Meehan reviewed the draft report. Because of the change from alternative bonding to conventional bonding, there is the impression that there was a drop in acreage reclaimed. However, that is not the case and \$2 million worth of reclamation projects have been completed. The draft report will be reviewed by the Regulation, Legislation and Technical Committee. The final report is due to the Legislature by July 1.

Orphan Mine Discharge Task Force

Rod Fletcher reported on the department's Action Plan to address the Orphan Mine Discharge Task Force Resolutions. Responsibilities for addressing the resolutions are scattered throughout the Office of Mineral Resources Management and the Office of Chief Counsel. Several items of concern were noted by board members. Specifically, the use of trust funds, tools for calculating costs, and Good Samaritan protections.

Susquehanna River Basin Commission – Groundwater Withdrawals and Consumptive Use Requirements

Mike Brownell with the Susquehanna River Basin Commission discussed the memorandum of understanding between the department and the commission. The commission's regulations establish standards for water withdrawals. The regulations are in place to protect against low stream flows and to approve water uses. Mr. Brownell

provided examples of groundwater and surface water withdrawals, mining industry consumptive water use, and public consumptive water use.

Bureau of Abandoned Mine Reclamation (BAMR) Projects/Status Report

Brian Bradley with the bureau gave an update on current and completed projects. In 2003, 155 projects were completed. Two projects have been completed so far in 2004. About 57 projects are under construction and 55 projects are in the design phase.

Deep Row Application of Organic Wastes to Grow Forest Crops on Mined Lands

Robert Pepperman with Environmental Group Services, LLC, discussed the use of organic wastes as fertilizer for trees on mined lands. Shallow trenches are filled with biosolids and covered. Hybrid cuttings are then planted. After 20 years of monitoring the sites there has been no adverse impacts on water quality.

Chapter 86 Coal Mining Amendments; Water Supply Replacement/Outreach Initiative; Water Supply Replacement Bonding Incentives – Tentative Rulemaking

Mr. Joseph Pizarchik with the bureau spoke on the coal mining amendments to Chapter 86. The amendments were previously approved by the board but some changes have been made. The amendments will go before the Environmental Quality Board in June 2004.

Regarding water supply replacement, the problem of “adequate” replacement has not been addressed. The department will be soliciting ideas on this topic from the mining industry and the public.

The Office of Surface Mining is also addressing a backlog of program amendments and they have identified a number of water supply related items where the department’s amendments do not meet federal requirements. The department will be working on the appropriate changes.

Transfer of Bond Forfeiture Program

Michael Terretti, director of the Bureau of District Mining Operations, reported that the district mining offices are more familiar with the mining operations, permits, and bonding. With the transfer of the bond forfeiture program, from the Bureau of Abandoned Mine Reclamation to the district mining offices, the department should be able to increase its reclamation efforts.

New Business

Mr. Wolf reported that Mr. Bill Derby of Wellington Development Corporation had contacted him and asked for the board’s support on the coal refuse project. The board agreed to send a letter supporting the concept but not a specific project.

Upon a motion made, seconded, and approved, the meeting adjourned at 1:40 p.m.

The next meeting of the board was scheduled for Thursday, July 8, 2004 in Hazleton. On July 7, there will be a field tour of the anthracite coal fields.

May 20, 2004

(Special Meeting of the Board's Regulation, Legislation, and Technical Committee)

The committee met on Thursday, May 20, 2004 at 1:00 p.m. in the Rachel Carson State Office Building. Members and alternates in attendance included Committee Chairman Dave Osikowicz, Jack Chamberlin, Joe Deklinski, Stan Geary, Sue Germanio, and Sue Wilson. Lara Logan, John Meehan, and Nevin Strock, all from the department, also attended.

The purpose of the meeting was to discuss the 2003 Remining Incentives Report. There were comments and discussion on the report. The following recommendations were proposed to enhance incentives for remining and reclamation.

- All Commonwealth agencies and commissions should facilitate economical remining and reclamation projects and activities on lands under their jurisdiction.
- The administration should encourage public recognition that remining in conjunction with reclamation is “green energy” production. Green energy 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.
- Funding for the Remining Financial Guarantees Program should be expanded. The department should consider only the historical rate of forfeitures of bonds at remining sites in determining the rate of bond forfeitures for the Financial Guarantee Program.
- The General Assembly should enact legislation which would apply land recycling and environmental standards to remining and reclamation projects (grayfields).
- 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.
- The General Assembly should enact legislation which provides a \$2.00 per ton credit against an operator's total state tax liability for each ton of coal mined from a remining area.
- Based on the low historical rate of bond forfeitures for areas that are reclaimed and planted, the General Assembly should amend Section 4(d) of the Surface Mining Conservation and Reclamation Act, 53 P.S. §1396.4(d), to reduce the minimum liability period that the department holds reclamation bonds from five years to two years after planting for remining areas. Shortening the minimum period of liability on reclaimed remining areas would offer several benefits without costing additional

funds or jeopardizing the environment. The department should draft such legislation and present it to the General Assembly.

- The department should explore with the surface coal mining industry whether it would be worthwhile to develop an areas suitable for remining program.
- The department should report to the Mining and Reclamation Advisory Board at the Board's quarterly meetings regarding the extent to which the board's recommendations are being implemented.

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 2003 – June 2004

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 2003 – June 2004

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

Appendix D

MEETING DATES DURING THE REPORTING PERIOD July 2003 – June 2004

Date	Location	Meeting
July 9-10, 2003	Belle Vernon (Field Tour)	Full Board
Oct. 23, 2003	Harrisburg	Full Board
Jan. 8, 2004	Harrisburg	Full Board
April 22, 2004	Harrisburg	Full Board
May 20, 2004	Harrisburg	Regulation, Legislation, and Technical Committee

Appendix E

MRAB COMMITTEES FOR THE REPORTING PERIOD July 2003 – June 2004

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

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

Reclamation Committee

David L. Strong, Chairperson P.O. Box 162 Brockway, PA 15824 Tel: 814-371-6142	Walter N. Heine 144 S. Hanover Street Carlisle, PA 17013 Tel: 717-258-5114 Fax: 717-258-4167
Duane Feagley (Alternate) PA Anthracite Council 3400 Trindle Road Camp Hill, PA 17011 Tel: 717-737-9825 (O) Fax: 717-730-0409	Fred W. Wolf, P.E Penn Equipment Corporation 15 Main Street Port Carbon, PA 17965 Tel: 570-622-9933 Fax: 570-622-9935
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	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
Stan Geary (Alternate) Pennsylvania Coal Association 212 N. Third Street, Suite 102 Harrisburg, PA 17101 Tel: 717-233-7909 Fax: 717-231-7610	David D. Osikowicz Original Fuels, Inc. P. O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171 Fax: 814-938-5008
Robert E. Hughes (Resource Contact) Eastern Pennsylvania Coalition for Abandoned Mine Reclamation 1206 Ag Center Drive Pottsville, PA 17901	Deb Simko (Resource Contact) Western Pennsylvania Coalition for Abandoned Mine Reclamation Donohoe Center, R.R. 12, Box 202-B Greensburg, PA 15601

Regulation, Legislation and Technical Committee

David D. Osikowicz, Chairperson Original Fuels, Inc. P.O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171 Fax: 814-938-5008	Jack R. Chamberlin 128 Chamberlin Road Brookville, PA 15825 Tel: 814-849-5598 Fax: 814-849-7166
The Honorable Raphael Musto Senate of Pennsylvania Senate Post Office Box 203014 Harrisburg, PA 17120-3014 Tel: 717-787-7105 Fax: 717-783-4141	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
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	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
Fred W. Wolf, P.E. Penn Equip. Corp. 15 Main Street Port Carbon, PA 17965 Tel: 570-622-9933 Fax: 570-622-9935	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