

## **MINING AND RECLAMATION ADVISORY BOARD (BOARD)**

**Thursday, April 26, 2012  
Harrisburg, PA  
Rachel Carson State Office Building  
Room 105**

**Voting Members/Alternates:** Robert Burns (Member), Cynthia Carrow (Member), Jack Chamberlin (Member), Terry Dayton (Alternate), Josie Gaskey (Alternate), Edward Helfrick (Member), Bob Hughes (Member), Marjorie Hughes (Alternate), Darrel Lewis (Alternate), David Osikowicz (Member), Tara Smith (Alternate)

**Other Attendees:** William Allen (DEP), Shuvonna Ballard (DEP), Brian Bradley (DEP), Thomas Callaghan (DEP), Bruce Carl (DEP), James Charowsky (DEP), Sarah Clark (House Environmental Resources & Energy), Glenn Florence (DEP), Randy Lindenmuth (Reading Anthracite), Jeff McNelly (ARIPPA), Richard Morrison (DEP), Paul Pocavich (DEP), Glenn Rider (DEP), John Stefanko (DEP), Hannah Walsh (Senator Solobay's Office)

### **Meeting Called to Order**

David Osikowicz served as chair for this meeting and called the meeting to order at approximately 10:00 AM. He welcomed everyone and asked that they introduce themselves.

### **Adoption of Minutes**

Minutes from the January 5, 2012 meeting were presented and approved without comment.

### **Correspondence**

The Chair went over appointment/reappointment letters for Bob Burns, Terry Dayton, and Mark Snyder.

### **Committee Reports**

#### Policy

No Report

#### Reclamation

No Report

## Regulation, Legislation and Technical

Prior to the full Board meeting the RLT met to discuss what preliminary work would have to be completed in preparation of the passing of House Bill 1813. During the full Board meeting Committee Chair, Jack Chamberlin, gave an update on House Bill 1813. The Bill has passed the House but not yet passed the Senate. The Bill seeks to revamp the conversion assistance bonding program. The Bill allows those conversion assistance funds to be transferred into another account designed to allow operators to fund bonding for their operations.

The MRAB has submitted a letter to the Senate Energy and Environmental Committee in support of House Bill 1813.

### **Citizens Advisory Council Briefing (CAC)**

Ms. Hughes introduced herself to the Board as CAC's new director and gave a brief overview of her education and experience. She expressed her eagerness to work with the Board.

### **Watershed Management Briefing**

Mr. Rider is the director of the newly formed Bureau Conservation and Restoration (BCR), within the Water Deputate. He gave an overview of the reorganization within the Water Deputate and his bureau's specific functions. BCR is a hybrid of the Bureau of Watershed Management (BWM) and the Bureau of Abandoned Mine Reclamation (BAMR). The Acid Mine Drainage (AMD) Treatment Program from BAMR has been transferred to BCR.

BCR is funded by both state and federal sources. BCR has a 25 million dollar spend plan for the upcoming fiscal year. The goal of BCR's is to restore watersheds currently on the impaired list.

### **Utilization of AMD in Well Development for Natural Gas Extraction**

An update was given on mine influenced water used for hydraulic fracturing. A white paper was published for comment. The comment period closed and the comments are being reviewed. Comments included clarifying a number of points within the document including liability, NPDES concerns, and treatment limits. The document is moving toward final.

### **EPA Permitting Update**

The Bureau of Mining Programs (BMP) gave an update of the continuing conversations it has with EPA over effluent limits. 196 permit applications have been sent to EPA. 113 have been returned with comments. EPA and DEP are still at odds over whether sediment ponds should be treated like treatment facilities in regard to waste-load allocations. Mr. Allen went over the permitting process for the benefit of the Board.

EPA has filed objections on 20 permits applications, preventing DEP from issuing the permits until the objections are resolved. No permits have been denied to this point due to NPDES issues.

BMP also sent out a mass mailing informing operators that new forms must be used as of June 1 for permitting.

### **ABS Legacy Trust Account Update**

112 agreements have been reached. The amount of bonds has not changed. There have been increases in the numbers of fully funded trusts and payment plans.

The Reclamation Fee Account has collected more funds than anticipated.

117 conversion assistance agreements covering 77 companies are currently in effect for a liability of approximately 20 Million Dollars.

### **Regulatory Packages Update**

The coal fees package public comment period ran from March 10 through April 9, 2012. BMP received no comments. The IRRC comment period expires May 9, 2012. The plan is to present the package to the EQB at their July meeting. If EQB approves the package, the likely effective date is projected to be in September.

Mr. Allen requested a special meeting of the Board to endorse the coal fees package. The meeting was scheduled for May 15 at 2 P.M.

### **2011 Reclamation & Remining Incentives Report**

Mr. Carl plans to send the Report out to the Board and is requesting comments be submitted by May 15, so that he can have the report finalized to present to the legislature by July 1.

### **2011 Bond Rate Guideline Update**

2013 bond rates are following the rates from last year. 2012 rates were published in the *Pennsylvania Bulletin* on February and took effect in April.

### **Electronic Licensing Update**

Information is being included with paper license renewals regarding the new eLicensing system. The system went live for April, May, and June renewals. 42 companies have registered to use the online system. 25 licenses have been issued electronically. There have been a few glitches but nothing major to report. Approximately 10 % of companies have registered thus far.

Questions were raised about ePermitting, now that eLicensing is online. Mr. Allen gave a summary of the current plans to develop an ePermitting process. Mr. Allen does feel that any ePermitting process is not going to be available anytime soon.

## **BAMR Status Report**

Due to suggestions from January's Board meeting, additional fields have been added to the BAMR emergency response program spreadsheet. A project type and a problem type field have been added to the data sheet, along with a legend on the last page. The Board was briefed on the status of ongoing projects and planned anticipated projects.

## **New Business**

Mr. Charowsky suggested two ideas for the July field trip. The first was a visit to a gas extraction site. The second option was a tour of a co-generation plant plus reclamation sites associated with the plant in the Cambria District. The Board agreed to the co-generation option and suggested that the tour include all four stages of the process from mining the refuse pile to reclaimed areas where beneficial use coal ash is utilized.

The field trip was scheduled for July 11 in the afternoon with the Board meeting to follow the morning of July 12.

## **Open Time**

The Chair asked about the status of two programs that are utilized by coal operators. The first was the Land Maintenance Bond Program and the second was reclamation in lieu of civil penalties. The Board was informed that the programs are still available but with limited usage. The Chair requested status reports for each program be presented to the Board at the next meeting.

## **Adjourn**

With no further questions or comments, The Chair called for the meeting to be adjourned.