

***D R A F T***

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

**Thursday, July 10, 2003  
Holiday Inn, Belle Vernon, PA  
8:30 a.m.**

Members/Alternates in attendance: Fred Wolf (Chair), Jack Chamberlin (Member), Sue Germanio (Alternate), David Mankamyer (Member), Mark Snyder (Member), Steve Shrawder (Member), David Strong (Member); Margaret Urban (Member), Burt Waite (Member), Sue Wilson (Alternate), and Mike Young (Alternate).

Others in attendance: Steve Adams (Paul C. Rizzo Associates), Bob Diehl (DEP), Katie Fonte (CAC), Hayley Frank (DEP), Bruce Golden (WPCAMR), Bernie Hoffnar, (DEP), Mary Ann Ingreem (DEP), Jeffrey Kost (Pa. Game Commission), Joe Pizarchik (DEP), George Rieger (OSM), Khatija Satyaswaroop (DEP), Joe Schueck (DEP), Joe Sieber (DEP), Jack D. Spink (The Charlton Companies), and Nevin Strock (DEP).

**Meeting Called to Order**

MRAB Board Chairman Fred Wolf called the meeting to order at 8:30 a.m. Chairman Wolf welcomed everyone and asked that all present introduce themselves.

A motion was made by Burt Waite, seconded by Jack Chamberlin, and approved by the Board to accept the minutes of the March 28 meeting and the April 28 special meeting.

**Discussion of Field Trip**

***Obligation: Nevin was asked to send letters of appreciation to those involved in setting up the field trip.***

- Visitor on trip was very interested in aquaculture with its economic and recreational opportunities. Could contact Kevin Paul, Greene County Conservation Office.
- Mather Coal Refuse Recovery site offers opportunities for manufactured soils and compost. Possibly transport excess nutrients from SE Pa.
- Mr. Mankamyer will make a report to Deputy Secretary and ask that these matters be pursued but he thinks a work group should be set up to develop an action plan.
- Mr. Wolf thanked Bruce Golden for the newspaper reports of the Mather site and Steve Shrawder for his newspaper article on bioslids and observed that MRAB has a responsibility to educate the public.
- Refuse piles offer opportunities for cogeneration plants.
- Morgantown, WV, has two plants that burn gobs but a WV state law prohibits importation of refuse from other states. Sue Germanio will look into this.

- Mr. Mankamyer suggested passing a resolution and doing a press release stating the advantages of cogeneration and stating the MRAB endorsed the concept of cogeneration in southwestern Pennsylvania.
- Mr. Wolf asked for a motion to prepare a resolution as suggested by Mr. Mankamyer and he would see that the resolution was sent to members for comment. A motion was made by Mr. Mankamyer, seconded by Mr. Young, and passed. The resolution was to be drafted by Mr. Young.
- After the draft resolution was prepared Mr. Young made a motion to accept it. This was seconded by Sue Wilson, voted on and passed.
- Karl Lasher will contact Fred Wolf regarding the press release.

***Obligation: Mr. Strock will ask Mike Terretti and Bill Plazzio to contact people from Nemacolin and Shannopin to attend the next MRAB meeting to give updates.***

### **Committee Reports**

The *Policy Committee* had no report.

The *Regulation, Legislation and Technical Committee* had no report.

The *Reclamation Committee* (Dave Strong, Committee Chair):

- A summer intern is doing field work for maps of discharge sites that will eventually be put on the web.
- Maps that had been given to MRAB several months ago may be misleading because the rates of flow are uncertain in that they may be CFS or GPM, etc.
- MRAB wants to keep momentum going on the map project.
- Mr. Schueck could send a map to web camera that would show discharges, leaving off the rates of flow, but adding a few sentences about the magnitude of the problem.
- Argonne National Laboratory is also working on this issue.
- Mr. Schueck will contact Larry Williams in DCNR to look over information in their Rivers Conservation Plan.
- Mr. Schueck explained when you build a GIS platform you have different databases and roads may be on one database, streams may be on another database, and so on, and these all must be linked together. A GIS person needs to pull in the roads, streams, etc. and save them as part of the file. This is not usually done in GIS-type work and will create some very large files. This is a high priority in the Department.
- Mr. Mankamyer suggested maps of mine pool water be made available at the county level.
- Deep Mine Safety is holding seminars looking for any agency or group to supply historical mine maps that may not be in the public domain in order to get the most up-to-date mine maps.
- DEP is working closely with DCED.

- Mr. Strong visited Bark Camp with Dennis Dusza, new North Central Regional Director of the Game Commission. Mr. Dusza saw the structural fill and felt it was ideal as game land and will possibly develop a long-term management plan for wildlife habitat.
- Surface at Bark Camp is eroding because 6,000 tons of manufactured soils has not been laid down although the DEP Solid Waste program indicated it had to be done but Clean Earth Dredging Technology Inc. doesn't plan to do it until the fall.
- Mr. Strong requested to see the Bark Camp report, even if it was only in draft form.
- Mr. Strong talked to people from the PEACE anti-ash group of Clarion County. They want water treatment for deep mines. Deep mine injection had been suggested to cure that and he wondered if that was still moving forward because a pile of alkaline ash is setting there ready for use.
- Need one-page fact sheets to take to meetings.
- C & K Coal Company has filed for bankruptcy and requested the court to allow it to discontinue treatment at all of its sites and began laying off employees at treatment sites. C & K will not work with the Department so the Department will take whatever appropriate actions it can. Mill Creek, which has received millions of dollars for clean up, will be affected for about 3/4 mile and will also sustain a fish kill if C & K discontinues treatment. C & K's current bond is about \$7.9 million. A trust fund would have to be about \$15 million. Those figures were worked out with OSM, but not C & K.

*Annual Report Committee (Sue Germanio, Chair):*

- Draft copies of the July 2002-June 2003 Annual Report were passed out.
- Mr. Wolf thanked Ms. Germanio for the fine job in preparing the report.

***Obligation: Members were asked to read over the report for errors and changes, note the changes on the draft, and return those to Sue Germanio within a month.***

**Report on the 5th Annual Watershed Conference on Abandoned Mine Reclamation (Bruce Golden)**

- The conference was held May 15-17 in Mayfield (anthracite region) in order to give western Pennsylvanians a chance to see how different the eastern part of the state is from the west.
- Theme was "What Color Is Your Watershed?"
- Keynote speaker was Bob Hedin, who is doing recovery of iron oxide from mine drainage.
- Other talks included chemistry of AMD discharges and ways to passively treat them, beneficial uses of mine pool water, and getting municipalities' support and identifying groups that had success in dealing with local decision makers.
- Emphasized different kinds of planning for watershed associations specifically DCNR's River Conservation Plan and DEP's watershed assessment and restoration plans.
- Secretary McGinty gave a talk and much of what she said reinforced what is being done by the MRAB and the Orphan Mine Task Force.

- The 2004 AMR conference will be at Indiana University of Pennsylvania in June. They plan to have a technical component for professionals to talk about how they deal with abandoned mine drainage and abandoned mine land problems.
- MRAB was asked to consider having a meeting during the conference.

#### **Draft Safe Fill Regulations for Comments**

- Khatija Satyaswaroop, DEP Bureau of Land Recycling and Waste Management, explained the reason the regulations were done as a draft final is to give the public another opportunity to comment before going to the EQB. DEP hopes to present the regulations to the EQB in January 2004 as final rulemaking.
- A powerpoint presentation was presented.

***Obligation: Comment period ends August 5. If MRAB members have comments call Dave Strong because the CAC and its Environmental Standards Committee will be working on this.***

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

- DEP did a good job in getting out the message of the positive uses and conservation of coal ash.
- Those opposed to coal ash did not do a good job getting their message out and in fact Dante Picciano agreed he had no problem with the placement of coal ash on mine sites.
- DEP would like the MRAB to write a letter to the Chairman of the Joint Committee.
- DEP expressed the opinion if coal ash is not used to deal with mine lands, the public will be at risk because of highwalls and other environmental hazards. A map depicting coal ash placement sites in Pennsylvania was prepared by DEP and provided to the Committee for presentation at the public hearing.
- Burning coal ash refuse is cost effective.
- Attendees included Commissioner Toothman from Greene County, Dante Picciano, representatives of EPA, Penn State, watershed groups, and others. About 300 people attended.
- Press picked up some of DEP's message highlighting public health and safety. Meeting was also covered by PCN.
- Motion was made by Mr. Mankamyer, seconded by Mr. Strong, voted on and carried to prepare a letter to Chairman Hutchinson of the Joint Committee. The letter should state the Board's position regarding coal ash, address reclamation issues, and refute erroneous information.

***Obligation: MRAB to write letter to Chairman Hutchinson of the Joint Committee. Send draft copies to members.***

***Obligation: Mr. Strong requested a synopsis of the Joint Committee meeting for MRAB members.***

- Dante Picciano had mentioned a site near Ebensburg where fly ash was used as an alkaline addition and it caused the site to go bad. Mr. Schueck had investigated that site, which did go bad but not because of the ash. The operators did not use the ash as they should have. Mr. Schueck reported an extensive investigation was done of ash sites when EPA was considering regulation ash under RCRA and DEP put together a three-volume set of findings based on sound science. Copies of that study are still available.

### **Ad Hoc Committee on Federal SMCRA Reauthorization**

- Sue Wilson, Committee Chair, announced the following: Sue Germanio and Joe Deklinski will serve as legislative representatives; Steve Shrawder and Mike Young as industry representatives.
- DEP provided the committee with a booklet regarding AML authorization and an OSM paper regarding funding issues.
- Sue Wilson has verbal information on DEP's position and wants to have it in writing.

### ***Obligation: DEP to provide the Ad Hoc Committee with a written statement of its position regarding SMCRA Reauthorization.***

- Ms. Wilson will be sending out the OSM paper to the full Board.
- Wyoming and the Navajo Nation favor reauthorization.
- Scott Roberts has been doing the following: 1) working with the Pennsylvania Environmental Council (PEC) putting together a letter in support of reauthorization, 2) working with IMCC, 3) arranged for Jeff Jarrett to meet with Secretary McGinty, 4) met with Rep. Kanjorski, who has proposed a \$20 billion bond issue to support this (but not as a substitute), 5) working with the Governor's Office in Washington, D.C., which is trying to make sure Senator Santorum has floor time, 6) providing outreach to Wyoming, 7) making contact with Pennsylvania legislators and congressmen to see that they are well informed on this matter.
- Chesapeake Bay group is talking about requesting \$1.5 billion for the Susquehanna River.
- We have to avoid the perception of being greedy.
- Mr. Golden said the WPCAMR had been in contact with PEC, the Pennsylvania delegation, and staff of eastern senators. Since this was not an issue they were dealing with, the WPCAMR stressed the importance of the matter.
- Senator Rockefeller's office is talking about introducing legislation this session.

### **Orphan Mine Discharge Task Force Report/Draft Resolutions**

- Mr. Mankamyer made a motion that the 19 resolutions submitted by the Task Force be adopted and placed in a Policy Book. The motion was seconded by Mr. Strong, voted on and passed.
- The motion was amended to state that the resolutions in the Policy Book will be updated by means of end notes as comments, actions, and progress is made. Also the resolutions

will not be designated as “draft” but will have a date on them and a progress report may be given at each meeting.

- The resolutions will be on the DEP website under Public Participation-Advisory Committees-MRAB.
- A suggestion was offered that the resolutions should go to Secretary McGinty for her comments.
- EPA had a legislative package regarding manganese limits but pulled it when they decided not to pursue it. They felt if they put limits on manganese then they would also have to put limits on substances that manganese is an indicator of.
- Pennsylvania will investigate whether it can allow the operator to test for other substances and make a presentation that they are not present in mine drainage.
- Mr. Strong suggested sending a thank-you letter to the Secretary for her interest in mining issues.

### **BAMR Projects Status Report**

- Joe Schueck gave the report for the quarter ending June 2003.
- Projects being advertised: 0
- Bid proposals opened: 14
- Construction projects in progress: 34 (\$20.6 million)
- Construction projects completed: 5 (\$1 million)
- BAMR typically does \$12 million in construction projects each year. Growing Greener initially gave them \$10 million with a year to spend it so it was spent. In later years BAMR received less money from Growing Greener and funded some OSM-eligible projects with it. Last year BAMR decided they were building up a surplus of OSM funds so they decided to spend AML funds for AML projects and not Growing Greener money.

### **Other Business**

***Obligation: Department is requested to get packages for meetings out in a timely manner.***

- Mr. Strock provided copies of the powerpoint presentations on market-based land reclamation and eco-asset management that had been presented at the April 24 meeting.
- Department staff is assisting OSM in planning an interactive forum on coal combustion byproducts to be held at the Marriott in Harrisburg on May 4-6, 2004, which will include a field trip to the anthracite region.
- In 1991 OSM sent the Department a 732 letter regarding the adequacy of the bonding program. The Department submitted a document in early June to OSM, which OSM has accepted as terminating the 732 letter so the Department is now in compliance.
- The MRAB was thanked for its effort over the years in helping DEP address bonding problems.
- The proposed changes, based on the federal language, to Chapter 86 regarding bond adjustment based on the federal language will be presented to the EQB on July 15. A change was made based on concerns of industry that subsidence bond would be held for water supply replacement. That was never the intention so some clarifying language was

added to the preamble to 86.151 to address these concerns. The draft is on the DEP web site.

- The MRAB was thanked for its conference call on reminding incentives.
- A request was made for an on-going agenda item for updates on legislative items.
- A secretary in the Bureau of Mining and Reclamation will be assigned to perform clerical support for the MRAB. The position is posted and should be filled in a few months. Nevin Strock will continue to be the Department's liaison.

Next MRAB scheduled meeting is October 23 in the Delaware Room, 16th floor, RCSOB.

Upon motion made, seconded, and approved the meeting adjourned.