

# Annual Report July 2005 – June 2006



**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 2006.**

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

On behalf of the Mining and Reclamation Advisory Board (MRAB), I am pleased to present this report, detailing the board's activities from July 2005 through June 2006. 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 four times during this period. In addition, the *Regulation, Legislation and Technical Committee* met on April 11, 2006 with representatives of DEP concerning a DEP study of reclamation cost shortfalls at several conventionally bonded surface coal mines where DEP forfeited the reclamation bonds. The *Regulation, Legislation and Technical Committee* made twelve recommendations, which were adopted by the full board at its meeting on April 27, 2006.

In addition to the conventional bond shortfalls that were addressed by the *Regulation, Legislation and Technical Committee* and the full board, the board was also consulted by DEP regarding bond rate guidelines, a new Land Maintenance Financial Guarantee program and a new Blanket Bonding program. Additionally, DEP presented proposed mine opening blasting regulations and draft guidance on regulation of aboveground storage tanks at surface coal mining sites to the MRAB for their review and comment.

The board continued to address its responsibility to assist DEP in expending funds for abandoned mine reclamation by sending a letter to Pennsylvania's Congressional Delegation encouraging them to support reauthorization of the federal abandoned mine land program and by recommending additional incentives to encourage state surface mine operators to reclaim abandoned mine lands through remining. The board was also consulted by DEP regarding additional remining incentives that DEP is considering that will be paid for with Growing Greener 2 funds.

The board continues to encourage the Pennsylvania General Assembly to increase and enhance industry interest in remining and reclamation by repeating its prior recommendations in the most current SMCRA Remining 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 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, which amended 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 for the purposes 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 or 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 Section 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 M. 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  
Susan M. Wilson

*Mark Killar and Deb Simko* of the Western Pennsylvania Coalition for Abandoned Mine Reclamation and *Robert Hughes* of the Eastern 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.

**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 four times. 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**.

### **2005-2006 MEETINGS**

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#### **August 15, 2005 (Sheraton Station Square, Pittsburgh, PA Field Meeting)**

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The first meeting during the reporting period was the board's annual field trip. This year the field meeting was held in Pittsburgh to coincide with the meeting of the Office of Surface Mining's Technology Transfer Mine Water Treatment Conference.

Members/Alternates in attendance at the board's meeting were: David Osikowicz (Chair), Jack Chamberlin (Member), Stan Geary (Alternate), Sue Germanio (Alternate), David Mankamyer (Member), Margaret Urban (Alternate) and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Deb Simko (Western Pennsylvania Coalition for Abandoned Mine Reclamation), Mike Terretti (DEP), Scott Horrell (DEP), Joe Pizarchik (DEP), Rick Lamkie (DEP), and Lara Logan (DEP).

#### **Meeting Called to Order**

Chairman David Osikowicz called the meeting to order at 4:00 p.m. He welcomed everyone and asked them to introduce themselves. The minutes from the April 28, 2005 meeting could not be voted upon, as the Board did not have a quorum in attendance.

#### **Correspondence**

Chairman Osikowicz received a resignation letter from Fred Wolf, citing health concerns as his reason for stepping down from the board.

#### **Committee Reports**

- No Policy Committee report.
- No Reclamation Committee report.
- No Regulation, Legislation and Technical report.

#### **Botanic Gardens on Abandoned Coal Lands in Western Pennsylvania**

- Lindsay Bond Totten and Robert Hedin from the Botanic Gardens of Western Pennsylvania gave a presentation on a proposed project to reclaim an

abandoned coal mine area in Allegheny County and build a Botanic Garden on the site. The project is proposed to begin in 2006.

### **Proposed Shaft Blasting Regulations**

- Rick Lamkie, Chief of Explosives and Safety for DEP, spoke on the development of new regulations regarding blasting entryways and shafts. Currently, District Mining Offices (DMOs) regulate surface blasting and the Bureau of Deep Mine Safety (BDMS) regulates underground blasting. The proposed new regulations intend to clarify responsibility between the DMOs and BDMS pertaining to slope development in deep mines. The draft rulemaking package will be available for the Board members by the October meeting, and will go before the Environmental Quality Board in November.

### **Consistency in Reporting Miles of Acid Mine Drainage-Impaired Streams and Acres of Abandoned Mine Lands (AML) Requiring Reclamation**

- Mike Terretti of the Bureau of District Mining Operations and Scott Horrell of the Bureau of Abandoned Mine Reclamation spoke on reporting of statistical information. Both agreed that as more streams are assessed and additional complaints are investigated the total mileage of impacted streams and acreage of AML will increase.

### **Update on Land Maintenance Financial Guarantees (LMFG), Blanket Bonds and Regulations and Statutes**

- Joe Pizarchik discussed LMFG, Blanket Bonds, and updated regulations and statutes.
- The LMFG final guidance is complete and is waiting for operators to take advantage of it.
- The Department is still trying to acquire funding for appropriate computer upgrades to aid in the new blanket bonding process.
- The shaft blasting regulations are currently in process, as well as a rulemaking package currently in preparation regarding elimination of the \$100/acre reclamation fee. The water supply replacement regulations have been delayed slightly due to staff restraints.
- Bonding regulations are scheduled to go before the Independent Regulatory Review Commission at their next meeting in August.

### **New Business**

- Stan Geary asked the Department to bring someone to the next Board meeting to explain how to use the online PNDI resource.
- The Growing Greener 2 legislation includes provisions providing money for cleaning up watersheds, for dealing with AMD discharges and financial/technical incentives to encourage re-mining. A preliminary list of suggestions has been compiled by the Department.



## **Adjournment**

Chairman Osikowicz concluded the meeting at 5:40 p.m.

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### **October 27, 2005 (Harrisburg)**

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The second full board meeting during the reporting period was held at the Rachel Carson State Office Building in Harrisburg on October 27, 2005.

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 all of the bulleted items must be done. Mr. Geary also pointed out that in the paragraph under “Containment” on page 4, the second and last sentences of the paragraph are identical.

## **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, with the 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, 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.

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### **January 5, 2006 (Harrisburg)**

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The third full board meeting of the reporting period was held in the Rachel Carson state Office Building in Harrisburg on January 5, 2006.

Members/Alternates in attendance: David Osikowicz (Chair), Mark Snyder (Vice Chair), 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), Susan Wilson (Alternate), and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Joe Pizarchik (DEP), Jeff Kost (Game Commission), Richard Morrison (DEP), Marc Roda (DEP), John Meehan (DEP), Joe Schueck (DEP), Curtis Kratz (Penn E & R), George Rieger (OSM), Bruce Golden (WPCAMR), Dan Brauning (Game Commission), Brian Bradley (DEP), Bruce Carl (DEP), Patricia Davenport (DEP), Bill Allen (DEP) and Lara Logan (DEP).

## **Meeting Called to Order**

Chairman David Osikowicz called the meeting to order at 10:00 a.m. He welcomed everyone and asked them to introduce themselves. Burt Waite moved to approve the minutes as presented. Walter Heine seconded the motion. Stan Geary proposed corrections to his comments on page 2. There were no objections, therefore the minutes will be updated and voted on at April's meeting.

## **Correspondence**

The Board was not in receipt of any correspondence.

## **Committee Reports**

- No Policy Committee report.
- No Regulation, Legislation and Technical Committee report.
- No Reclamation Committee report.

## **Promoting Grasslands as a Reclamation Practice**

- Dan Brauning, Wildlife Biologist, PA Game Commission, gave a presentation on using grasslands to reclaim surface mined lands in Pennsylvania. They are specifically targeting nine counties in the western part of the state. He explained that there has been a sharp decline of native grassland habitat that has resulted in the severe decline of some species of native grassland birds. It is believed that the reclaiming of large surface mines with grasslands in areas that meet conditions to create the appropriate habitat, would contribute to conservation initiatives and bring native species back into these areas. They are concentrating on areas that have a 'prairie view' and would result in total grassland area of 75 acres or greater.

## **Storage Tanks on Coal Mining Permits Update**

- Bill Allen, DEP, provided an update on the proposed technical guidance document (TGD) for regulation of above ground storage tanks located on permitted coal mine sites. The TGD is being put into the Department's internal comment period within the next couple of weeks. The form of the TGD is very much like that presented at the October 2005 board meeting with a few revisions having been made as a result of Stan's comments at the October meeting.
- Mark Snyder had a question about secondary container requirements. Bill is to find the answer and update the TGD appropriately. Portability of tanks was raised as a possible issue as well.

## **Update on Grower Greener 2 Remining**

- Joe Pizarchik, DEP, provided an update on the two components currently being looked at. These are replicating the SOAP Program through developing a list of priority 1 & 2 sites as well as sites with existing post-mining discharges. The Department has solicited information from the District Mining Offices (DMOs) to assist in identifying possible sites. The Department will be meeting with the DMOs in January to provide a better understanding of the process and how it will work. BAMR has provided a listing of priority 1 & 2 sites, BMR staff is currently reviewing this listing. The lists will be made available to industry and will be available at the DMOs. The Department is currently trying to obtain Grower Greener 2 funds to supplement existing SOAP monies and get some projects off the ground.
- Bill Allen and Joe Pizarchik, DEP, provided an update on using Grower Greener 2 monies on GFCC sites and the administrative changes involved in the multiple contract approval process. BMR is currently working with DMOs to estimate the amount of monies required to fund the program. With this program the state requirements will be a factor, i.e. prevailing wage, etc. This is not a grant program but a contract for services.

## **BAMR Proposal Update**

- Joe Schueck, DEP, provided updates from the Orphan Mine Drainage Task Force and reviewed contract recipients.
- Mr. Schueck also mentioned an unsolicited proposal that was received. The proposal involves the use of a process called liquid to liquid extraction. They are confident that with this process, and selling the resulting metals, they can bring the price of treating acid mine drainage down to between a penny and a nickel per thousand gallons. If successful this process will revolutionize the way we currently do things in Pennsylvania.
- Dave Strong expressed concern from the committee, as Joe is getting ready to leave. The Board doesn't have a concrete plan for continuing the work he's been doing, who is going to be handling it moving forward, or direction for the funding of it. He requested direction from the Department on promoting this work in the future after Mr. Schueck moves on. He doesn't want progress to be lost due to the loss of key personnel, as this type of work can be difficult to transfer.

## **Mine Opening Blasting Regulation Update**

- Joe Pizarchik, DEP, provided an update on the proposed Mine Opening Blasting Regulations. DEP personnel met with members of the PCA but were unable to work out differences in language. The package is currently continuing through the internal review process. It should be scheduled for presentation to the EQB as proposed rulemaking this spring. The Department has added to the preamble a summary of the positions and votes taken by the MRAB. After the Department receives and evaluates the public comments, it will bring the final regulation back to the MRAB.

## **Evaluation of Conventional Bonding Shortfalls**

- Bill Allen, DEP, provided a presentation outlining the preliminary results of a study of conventional bonding forfeitures. The eight forfeited conventional bond sites were reviewed and feedback requested by the Department. Mr. Allen mentioned several program fine-tuning ideas on which DEP is seeking input from the Board.
- The Regulations, Legislation & Technical Committee will meet to discuss potential fine-tuning options and will follow-up with the full Board at its next meeting.

## **2004-2005 MRAB Annual Report**

Chairman Osikowicz requested, on behalf of Susan Germanio, that anyone having suggestions for changes to the 2004-2005 MRAB Annual Report contact Jim Charowsky within 30 days. If no updates are received, the report will go to press as is.

## **Blanket Bond Program Update**

- Joe Pizarchik, DEP, provided an update on the Blanket Bond Program and the funding for system enhancements. In December, it was learned that the monies for this program are coming from the legislature. The draft TGD explaining how the program is going to work is pretty much finalized. The Department is working to get the draft out for comment while the system enhancements are also being worked on. The forms that are to be used are also being finalized. The test pilot model run in Greensburg went well and will be used. Training is going to be provided to staff on the process. This program should be in place later this year and the Department should be able to begin accepting operators into the program and issuing bonds the second half of the year. This is going to be an electronic process.
- The Department will confirm with the Board when system enhancements have been completed, forms finalized, and the Blanket Bond Program made available on-line.

## **BAMR Projects/Status Report**

- Brian Bradley reported on the status of BAMR projects over the last quarter.
- Walter Heine requested a letter from the MRAB be forwarded to Congress about less monies coming to Pennsylvania from OSM Grants. Jim Charowsky also mentioned the elimination of SOAP funding from OSM as of 2006.

## **New Business**

- The Chair requested suggestions for the field trip in July be given to Mr. Charowsky
- Joe Pizarchik mentioned the July 5 and 6 meeting dates and asked if the Board wanted to have it held then, in light of the July 4<sup>th</sup> holiday. The Chair requested this discussion be placed on the agenda for the April meeting as this is prime vacation time.
- Dave Strong – Requested a Bark Camp update so a report can be issued.
- Dave Strong mentioned some new changes in Waste Regulations. He's trying to garner further information
- Growing Greener questions from WPCAMR – A concern is the new DEP policy containing a 5% cash match requirement for Growing Greener 1 & 2 Project Applications. The feeling was this is not in the Departments best interest, as this may take watershed groups out of the reclamation business. Dave Strong to investigate further with the Deputy Secretary and report back to the board. The application deadline is March 2006.

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## **April 27, 2006 (Harrisburg)**

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The fourth and final full board meeting of the reporting period was held in the Rachel Carson State Office Building in Harrisburg on April 27, 2006.

Members/Alternates in attendance: David Osikowicz (Chair), Richard Fox (Alternate), Burt Waite (Member), David Strong (Member), Janis Dean (Alternate), Edward Helfrick, Jr. (Member), Duane Feagley (Alternate), Jack Chamberlin (Member), Stan Geary (Alternate), Sue Germanio (Alternate), Susan Wilson (Alternate), Patricia Krommes (Alternate), Joe Deklinski (Alternate), and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Sam Faith (DEP), Joe Pizarchik (DEP), Richard Morrison (DEP), Marc Roda (DEP), John Meehan (DEP), Curtis Kratz (Penn E & R), George Rieger (OSM), Bruce Carl (DEP), Patricia Davenport (DEP), and Bill Allen (DEP).

### **Meeting Called to Order**

Chairman David Osikowicz called the meeting to order at 10:00 a.m. He welcomed everyone and asked that they introduce themselves. Burt Waite moved to approve all the minutes as presented. Richard Fox seconded the motion. The motion was made and the Board unanimously agreed to accept the minutes as presented.

### **Correspondence**

The Board was not in receipt of any correspondence.

### **Committee Reports**

- No Policy Committee report.
- Reclamation Committee report.
  - David Strong spoke about the Mine Pool Task Force. The Citizens Advisory Counsel (CAC) requested Dave write a letter to the Secretary in light of all the positive things that are happening. CAC wants to be sure this task force keeps going after the pending July retirement of Joe Schueck, DEP, who spearheaded the task force. Dave would like to see the task force formalized, as he feels it has been a real asset. Mr. Strong requested input from the Board. The Board proposed writing a letter providing specific recommendations to the Secretary. Dave Strong is to formulate a letter and provide it to the Board via e-mail for comment. This letter will be on the agenda for the next Board meeting for discussion prior to it being submitted to the Secretary as a formal recommendation. The letter will be sent jointly from both CAC and the MRAB.



- Regulation, Legislation and Technical Committee report.
  - Jack Chamberlain reviewed the committee meeting held at the Moshannon District Office on April 11. The meeting was about dealing with Conventional Bonding shortfalls. Mr. Chamberlin presented 12 recommendations the committee was bringing before the full Board for endorsement. Stan Geary moved that the Board accept the recommendations as made. Burt Waite seconded the motion. The Board agreed to endorse the recommendations as presented.

Joseph Pizarchik thanked the committee for the recommendations and expressed the Department's appreciation. Mr. Pizarchik said the Department would review the recommendations, decide how to address them, and will move to finalize the report.

Bill Allen and Mr. Pizarchik reviewed the Department's view on each of the recommendations. In regards to Bond Rate Guidelines, the Department is looking to bring preliminary numbers to the January meeting of the Board, have the revised numbers published in February, and make the revised Bond Rate Guidelines effective yearly on April 1. Mr. Pizarchik explained that the Department believes the current Conventional Bonding system is working well. The Department is however, looking to fine-tune what we already have to minimize potential glitches.

The Department will e-mail a link to the revised TGD on conventional bonding when it is made available for public comment.

The Department will bring the new preliminary Bond Rate Guideline numbers to the Board for review at the January meeting.

### **Interim Bond Rate Guidelines**

- Bruce Carl, DEP, provided the Board with a Power Point presentation summarizing cost increases and the resulting interim Bond Rate Guideline calculations.

### **Storage Tanks on Coal Mining Permits Update**

- Bill Allen, DEP, told the Board the proposed technical guidance document (TGD) was published and comments were received from PCA. PCA's primary comment recommended that the Department implement a minimum size for tanks of greater than 250 gallons for tanks that would be covered under the TGD. Mr. Allen said the Department is looking to phase this program in over the next year.

## **Annual Remining Incentive Report**

- John Meehan, DEP, presented the Annual Remining Incentive Report to the Board. Mr. Meehan noted the number of reclaimed acres appears to be dropping off dramatically. He explained that a big reason for this is the way the Department is tracking it. Due to the switch to conventional bonding the Department is not seeing the stage 2 completions until the end of the permit. It will take several years for the numbers to catch up.

Stan Geary had the following questions and comments: In addition to incentive programs, industry is also reclaiming a number of acres. Mr. Geary also requested page 4 be updated to reflect the adoption of the federal remining incentives as Congress is expected to reauthorize the AML program. Mr. Geary also made note that there is no mention of any water improvements that have been realized due to reclamation efforts.

Stan Geary and Sue Germanio will revise the recommendations and e-mail the proposed 2005 comments to the Board for review. Mr. Geary requested that anyone on the Board who has recommendations provide them to either Sue or himself for inclusion.

## **Growing Greener 2 Remining Update**

- Joseph Pizarchik, DEP, provided an update on Growing Greener 2. The Bureau of Mining and Reclamation (BMR) is working on a program which has been patterned after the existing SOAP program. The SOAP program is no longer being funded on the federal level and funds are expected to run out this year. BMR is looking at adding items such as Best Management Practices (alkaline additions), tailored to priority 1 and 2 discharge sites. The program is being broadened to include all operators. Department staff has re-examined the SOAP projects already in process to see which ones contain appropriate criteria for Growing Greener 2 funding and is currently seeking approval for them. Staff is working with the District Mining Offices to get possible Growing Greener 2 sites and projects identified and prepare requests for the September bond listing of sites. DEP is also working to expand the GFCC program to include those sites where the value of the coal is not sufficient to offset the cost of reclamation. Bureau staff is working on getting form contracts in place for the design of passive treatment systems to deal with discharges. These contracts will be available for the District Offices to use.

## **Blanket Bond Program Update**

- Joe Pizarchik, DEP, explained the Department is having new bond forms developed. The Bureau is also working with Department IT staff to get the database ready for implementation. It is hopeful that everything will be ready for July 1. There is one operator that went through the pilot process and has met the pre-qualification standards. Live training will be made available to

District Office staff as operators in their area express an interest in the Blanket Bond program. Department staff is working to get this TGD finalized.

### **Mine Opening Blasting Regulation Update**

- Joe Pizarchik, DEP, explained that the Mine Opening Blasting Regulations are scheduled for presentation to the EQB on May 17. A thirty-day comment period is anticipated on this package.
- Joe Pizarchik, DEP, also mentioned the Surety Reclamation Fee package (including elimination of the \$100/acre reclamation fee). This package will be presented to the EQB at the May meeting as well.

### **Water Supply Replacement Update**

- Bill Allen, DEP, explained that in response to the Environmental Hearing Board's *Lang* decision, the Department is working on a draft TGD for operation and maintenance costs for replacement water supplies. The draft TGD is being, for the most part, modeled after the principles used in the *Lang* decision. The Department is working toward getting regulations introduced. The Department will e-mail the link to the "Increased Operation and Maintenance Costs of Replacement Water Supplies" draft TGD to the Board when published.

### **2004-2005 MRAB Annual Report**

- The MRAB Annual Report was brought to the Board for approval. Sue Germanio noted a typo on page 14. Stan motioned to approve the Report with the adjustment Sue mentioned. Joe Deklinski seconded the motion. Sue Germanio mentioned that Sue Wilson has been nominated to compile the 2005-2006 MRAB Annual Report.

### **Draft Letter – Funding AML Reclamation**

- Stan Geary, mentioned some changes he thought should be made to the letter and questioned a figure presented on page 2. Stan motioned to move forward with the letter after his changes were made. Sue Germanio seconded the motion. The Board moved to accept the letter after the changes Stan made were completed.
- The accuracy of the 94% figure BAMR provided will be reviewed with Roderick Fletcher, DEP, prior to the letter being sent to Congress.

### **New Business**

- Chairman Osikowicz requested the Board's input on the proposed July meeting date change. Burt Waite motioned that the meeting be moved to July

12 and 13. Jack Chamberlin seconded the motion. The motion was made and the proposed date change was approved by the Board.

- The Board discussed possible field trip sites and ideas including; Good Samaritan sites in western Pennsylvania, sites where things have not gone quite as well (Hansloven or Walls), sites where water from abandoned mines is being reused, the Botanical Gardens, and LTV discharge sites. Chairman Oskowicz left the decision up to Joe Pizarchik and Mike Terretti.

### **Open Items**

- Joe Pizarchik, DEP, spoke regarding ongoing efforts to implement a Federal Environmental Good Samaritan Act. Mr. Pizarchik testified before a congressional subcommittee on behalf of both IMCC and Pennsylvania.
- Burt Waite asked Mr. Pizarchik if the Board's endorsement would be helpful. Mr. Pizarchik indicated that he thought it would. Chairman Osikowicz requested BMR staff prepare a letter from the Board to review at the July meeting. Mr. Pizarchik suggested that a letter be drafted to the Pennsylvania Congressional Delegation as well. Chairman Osikowicz concurred. Mr. Pizarchik will have his staff draft the letters. These letters are to be provided to the Board for review and comment at the July meeting.

### **National Academies Report on Managing Coal Combustion Residues (CCR)**

- Al Dalberto, DEP, briefly reviewed the report. The report appears very positive. The Board was provided an eleven-page summary for review. The full report is available both on-line and for purchase. A few areas of concern with ash usage are identified. The report stresses the need for national regulations in this area and suggests EPA or OSM develop them either individually or as a joint effort. The Department is reviewing our program to do what we can to improve it and address any possible concerns. This item is going to be discussed at the IMCC meeting.

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

- Chairman Osikowicz deferred Brian Bradley's BAMR status report to the July meeting.

### **Adjournment**

A motion was made and seconded and the Board moved to adjourn.

## **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 2005 – June 2006

<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 2005 – June 2006

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
Bruce Tetkoskie	Citizens Advisory Council (Replaced Margaret Urban in February 2005)	
David Mankamyer	State Conservation Commission	

## Appendix D

### MEETING DATES DURING THE REPORTING PERIOD July 2005 – June 2006

<b>Date</b>	<b>Location</b>	<b>Meeting</b>
Aug. 15, 2005	Pittsburgh	Full Board (Annual Field Meeting)
Oct. 27, 2005	Harrisburg	Full Board
Jan. 5, 2006	Harrisburg	Full Board
Apr. 11, 2006	Moshannon DMO	Regulation, Legislation and Technical Committee
Apr. 27, 2006	Harrisburg	Full Board

## Appendix E

### MRAB COMMITTEES FOR THE REPORTING PERIOD July 2005 – June 2006

#### Annual Report Committee

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	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
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	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

#### Policy Committee

David Mankamyer, <b>Chairman</b> 152 Aviator Lane Friedens, PA 15541 Tel: 814-445-8618 Fax: 814-444-9666	Mark A. Snyder State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-548-8101 Fax: 724-545-2989
Walter N. Heine, P.E. Walter N. Heine Associates, Inc. 67 Graham Road Newville, PA 17241 Tel: 717-776-5696	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

## 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: 814-849-4181  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>Mark Killar (Resource Contact)  WPCAMR  Donohoe Center, R.R. 12, Box 202-B  Greensburg, PA 15601</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: 814-849-4181  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.  P.O. Box 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>