

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Wednesday, July 12, 2006

1:30 P.M.

**DEP, California District Mining Office
Coal Center, PA**

Members/Alternates in attendance: David Osikowicz (Chair), Stan Geary (Alternate), Burt Waite (Member), David Strong (Member), Jack Chamberlin (Member), and Dave Mankamyer (Member).

Others in attendance: Bruce Golden (WPCAMR), Andy McAllister (WPCAMR), Jeffrey Gerard (WPCAMR), Jim Charowsky (DEP), Mike Terretti (DEP), Joseph Taranto III (DEP), Richard Morrison (DEP), Patricia Davenport (DEP), and Bill Allen (DEP).

Meeting Called to Order

Chairman David Osikowicz called the meeting to order at 1:35 p.m. He welcomed everyone and asked that they introduce themselves.

Since there was not a quorum of members in attendance, Dave deferred the vote on April's meeting minutes to the next meeting.

Correspondence

The Board received two letters, one from U.S. Senator Santorum and one from U.S. Congressman Platts, in response to the Board's letter concerning the Abandoned Mine Reclamation Fund. Both letters expressed support of the Fund. Chairman Osikowicz placed the letters upfront for review.

Chairman Osikowicz mentioned the letter the Department drafted for the Boards review regarding the creation of federal Good Samaritan legislation. This letter is to be voted on at the October meeting as well.

Committee Reports

- No Policy Committee report.
- Reclamation Committee report.

David Strong raised the following questions/concerns:

- Beneficial Use - Who has primacy, Mining, Solid Waste, or Air Quality? Is there a Technical Guidance Document (TGD) or legal clarification available in this area?
Mr. Strong noted that different regions seem to be following different procedures.

- Toby Creek Watershed – How do these type projects continue to be funded?
- Treatment Facilities – DEP staff is currently running many of these facilities. Why can't this be outsourced?
- Manganese Issues - Is federal assistance forthcoming in raising the limit? Bill Allen, DEP advised some individuals from EPA have toured sites in Pennsylvania and requested data. This data is being compiled. Dave Strong wondered how the MRAB might assist in this area.
- Mine Pool Task Force – Mr. Strong wanted to know what plan was in place to keep this going. Mike Terretti explained that the mapping of mine pools has been charged to District Mining Operations, the California DMO is doing this through GIS and much of the information is available. The real challenge is how to market this information and estimate the financial costs involved with treatment.

Dave Osikowicz suggested Dave Strong formalize some of the questions/issues he had raised and give them to Jim Charowsky to speak with Joe Pizarchik about prior to having them placed on the October meeting agenda and/or for Dave Strong to call a meeting (or meetings) of his committee to discuss the issues and work with DEP so that DEP staff can be prepared to discuss these issues at the October board meeting.

Burt Waite suggested a committee meeting.

In response to Mr. Strong's question about the Toby Creek Watershed issue, Bruce Golden said WPCAMR has received a GG2 grant for a quick response program. This will provide emergency repair monies for GG2 type projects. Bruce said the way to get the assistance would be to talk to a local watershed manager.

Key Obligation: Dave Strong will be putting together a blurb about each of these issues and getting this information out to all members and then have a committee meeting set-up.

Key Obligation: The Department will have these items placed on the October meeting agenda for further discussion.

- No Regulation, Legislation and Technical Committee report.

Federal Good Samaritan Legislation

Bill Allen (DEP) provided an update on federal Good Samaritan legislation. A few weeks ago Joe Pizarchik, representing Pennsylvania in conjunction with IMCC, met with EPA to discuss the Administration's version of the Good Samaritan bill. None of the bills include coal. The bills are related to CERCLA type things and the way they are written would be exempt from CERCLA, NPDES and NIPPA (?) requirements. Mike Terretti shared that the IMCC states are primarily in favor of a bill. There are currently three bills. The Department would like to see coal added to the bill.

Blanket Bond Program Update

Bill Allen advised the members that the program has been implemented and was effective July 1. Mr. Allen mentioned that Amerikohl was prequalified and is working to get their numbers together.

Dave Osikowicz mentioned that he was made aware this week that Conversion Assistance Bonds and Financial Guarantees cannot be part of this program. He didn't realize this when the Board reviewed the TGD. Says he feels this can really make a difference for small to medium size operators and questioned whether or not this can be changed.

Mr. Allen said that the program was established via policy and can therefore be changed. He explained one of the approaches the Department was taking was trying to reduce its risk.

Key Obligation: Dave Osikowicz requested this be placed on the agenda by the Department to be discussed further at the next meeting. Chairman Osikowicz feels that DEP should be careful not to create policy that discourages reining.

Mine Subsidence Insurance, GIS Presentation

Mike Terretti introduced Joseph Taranto from the California District Mining Office. Mr. Taranto provided information about GIS mapping and the different mapping information available. Joe Taranto also provided a Power Point presentation outlining the capabilities of the system and how it's utilized in regards to underground mine mapping and also the Mine Subsidence Insurance Program. Mr. Terretti and Mr. Taranto explained that the Department is working to get mapping information available on-line for the public through the Pennsylvania Historic Underground Mine Mapping Information System. The Department is working to locate and map refuse piles as well. This is a project that is being worked on as time allows, to assist in gaining historical mining information.

Water Supply Replacement and O&M Costs

Bill Allen informed the board that the proposed TGD is currently out for comment. The comment period is over July 24. No comments have been received on the TGD.

A release form was prepared to be used with the document. Comments were received on the form from both Stan Geary and CONSOL. Some revisions will be made to the TGD based on these comments. There were three bond forms created as well: a surety bond form, a collateral bond form, and at CONSOL's request, a multiple water supply collateral bond form which would cover all affected water supplies on a particular permit.

Stan Geary questioned why this TGD only mentions bonds and why the operators aren't permitted to establish trust funds to cover their O&M cost obligations. Mr. Allen said that the

Department was trying to keep things as simple as possible and thought limiting the options was best. Stan was asked to submit his comments on this for Departmental review.

Stan also questioned whether or not a bond could be collateralized with a trust. Richard Morrison told him that if this was permitted by statute than it could be done.

Mr. Allen stated that the Department's next step with regards to water supply replacement and O&M costs is establishing regulations. This information was recently published in the *Pennsylvania Bulletin's* Regulatory Agenda. These proposed regulations will be shared with the board when appropriate.

Storage Tank Technical Guidance Document Update

Bill Allen informed the board that this TGD was effective July 1 and that a mass mailing was sent from the Department to the industry the week prior to July 1. This mailing included a copy of the new Tank Inventory Form the Department hopes to receive back, for those tanks that are subject to the TGD, over the next year. The Department is working to revise the Permit Application Module 10 where it talks about tanks to ensure unity between the Module and the TGD.

Mine Opening Blasting Proposed Regulation Update

Bill Allen shared that the proposed regulations were approved by the EQB at their May 17 meeting. The regulations are presently going through the internal review process. After internal approvals are received, they will be published in the *Pennsylvania Bulletin* as proposed regulations for comment.

Key Obligation: The link to the published regulations will be emailed out to the board when available. The Department is expecting these proposed regulations to be published within the next few weeks.

Reclamation Fee Proposed Regulation Update

This regulation package was also approved at the May 17 EQB meeting and is on the same track as the proposed Mine Opening Blasting Regulation Package.

Key Obligation: The link to the published regulations will be emailed out to the board when available. The Department is expecting these proposed regulations to be published within the next few weeks.

Surface Mine Safety Update

Mr. Allen informed the board that the Department is working to revise Chapter 209. The Department will be incorporating by reference various MSHA regulations. DEP does not want to put operators in a situation where they have multiple standards to meet between the state and MSHA, but rather eliminate any inconsistencies.

The Department is in the process of conducting preliminary outreach meetings. The Department is planning to have six to ten additional outreach meetings in various areas of the state in an attempt to reach those most affected by these regulations.

Mr. Allen asked the board for feedback on any additional outreach methods they would suggest for reaching those that do not typically attend meetings.

Bill Allen also discussed one item as a "heads-up". The Department is in the preliminary stages of looking to review and update Chapters 86-89. This update was inspired by some OSM program deficiencies.

New Business

Mike Terretti provided a field trip briefing. The field trip schedule included the following locations: the LTV-Banning site, a Pittsburgh Coal site and the Botanical Gardens.

Mr. Terretti told the Board that the Department would be interested in receiving any ideas or suggestions the Board might have on how DEP might facilitate moving forward with these sites.

The Board members were asked to meet at the California District Mining Office at 9 a.m. the following morning. The field trip was scheduled to end at approximately 4 p.m.

Dave Osikowicz thanked everyone for his or her attendance and adjourned the meeting.