

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Thursday, July 12, 2007

10:00 A.M.

**Delaware Room, Rachel Carson State Office Building
Harrisburg, PA**

Members/Alternates in attendance: David Strong (Member), Ed Helfrick (Member), Stan Geary (Alternate), Susan Wilson (Member), Burt Waite (Member), Darrell Lewis (Alternate), Dave Mankamyer (Member), Jack Chamberlin (Member), and Janice Dean (Alternate).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Richard Morrison (DEP), Curtis Kratz (Penn E & R), Bruce Carl (DEP), Patricia Davenport (DEP), William Allen (DEP), Brian Bradley (DEP), Roderick Fletcher (DEP), Eric Conrad (Conrad & Associates), Steve Hoffman (IRRC), Nick Troutman (Senator James Rhoades Office), Duane Feagley, Jennifer Orr (DEP, Watershed Management), Jeff McNelly (ARIPPA), John Stefanko (DEP), Joseph Pizarchik (DEP), and Marc Roda (DEP).

Meeting Called to Order

Dave Strong called the meeting to order at 10:00 a.m. He welcomed everyone and asked that they introduce themselves.

Dave asked for a motion to approve the April Mining and Reclamation Advisory Board (Board) meeting minutes. Burt Waite moved to approve the minutes as presented. Susan Wilson seconded the motion. The motion was made and the Board unanimously agreed to accept the April meeting minutes.

No Correspondence Received

Committee Reports

- No Policy Committee report.
- No Reclamation Committee Report

Key Obligation: Conference call to be scheduled to discuss getting back on track with the Mine Pool Task Force and the resolutions.

- No Regulation, Legislation, and Technical Committee Report

Bond Rate Guidelines (BRG)

- Bruce Carl, DEP provided a brief presentation on the current reclamation bidding trends. Some discussion was given to how to get more companies interested in doing this type work and perhaps putting together an informational how to packet. The suggestion was also made to be in touch with the Association of General Contractors to assist in getting the word out about the AML monies to be coming in. The low bid for a short push bid was \$.81 and the high was \$1.75 with the average being around \$.90 and the average haul job bid was around \$1.25. The current revegetation trend was also reviewed. Bruce will have further information available to share with the Technical Committee prior to the October meeting. An increase in grading costs is anticipated due to the 2004 numbers being dropped off of the three-year averaging.

TMDL Update

- Bill Allen, DEP, provided a TMDL and mine permit update. Four options have been identified, building an excess waste location into a TMDL that would allow for permits to come into the area, use a waste load allocation that has been allocated but is no longer necessary due to reclamation, re-allocation of existing waste load allocations for permits, or a non-discharge alternative. The Department is also looking into issuing a permit with in stream water quality limits and something like trading where an applicant would treat an existing non-point source and then get some kind of credit to allow a discharge from their permitted area. The Department is currently trying to determine what limit should be applied and included for aluminum. The Department is working to develop a tracking system, working on the required TMDL's, identifying TMDL's that need revised, and determining revision procedures. The Department is trying to be as fair and as flexible as possible while staying within the confines of the regulations.

Update on AML Roundtable Meetings

- Rod Fletcher, DEP, gave an update on the AML Roundtable meetings that the MRAB offered to help sponsor. To date, 8 meetings have been held. A transcription service has prepared reports of the meetings as well as informal notes being taken. The Department is gathering information and over the next several months will need to go through and review the information received. A question and answer type document will be prepared. A timetable for this to be completed has not yet been determined. The Department has committed to hold 2 additional meetings, one in Clearfield County and the other in Armstrong County. The average participation has been between 30 and 45 individuals. There is a great deal of interest and a wide range of expectations. OSM's proposed rulemaking should be published either the end of August or beginning of September. There will be opportunity for the public to provide comment. The informal summaries of the meetings have been posted on BAMR's website. The actual transcripts will be posted soon.
- Mike Terretti provided a brief update on the GFCC process. He informed the Board that it does not seem that there will be an issue with the regulations and authorization to continue to cover administrative costs for this program through the Title IV money.

- Dave Strong mentioned the Secretary's comments from the April meeting regarding possibly working with the legislature in the designation of a special account that would enable an above usual treasury rate of return, allowing the monies to grow and provide a greater ability to chip away at abandoned mine land water challenges. Stan Geary recommended a joint meeting of both the Reclamation and the Regulation, Legislation & Technical Committees to address Title IV issues. Rod Fletcher recommended the Board start by discussing available options with the Treasurer's Office.
- Joe Pizarchik asked if the MRAB would be willing to request that someone from Treasury come in and explain the different investment options and suggested that a letter be put together. Burt Waite moved that the Board request input from Treasury regarding current investment strategies and limitations in order for the Board to obtain base information. Stan seconded the motion. The Board unanimously agreed and the motion carried.

Mine Opening Blasting Rulemaking Update

- Joe Pizarchik, DEP, advised the Board that while the Department appreciates the input of the Board, the Department has decided, in the interest of public safety, to proceed with the regulations and they will be presented to the EQB in the near future.

Reclamation Fee and Bond Forfeiture Rulemaking Update

- Joe Pizarchik, DEP, mentioned that the Board expressed the opinion that the elimination of the reclamation fee may be premature. The Department has continued to realize progress in this area. Therefore, the Department has decided to move forward with this rulemaking and it will be presented to the EQB in the near future as well.

BAMR Projects/Status Report by Brian Bradley

New Business

- **Annual Reports** – Stan Geary had prepared drafts of the 2005-2006 and 2006-2007 annual reports for Jim Charowsky and David Osikowicz to review. Once reviewed, the drafts will be e-mailed out to the full Board for review and comment. Stan felt both of the reports would be ready by the next meeting.
- **Field Trip** – The Board voted to change the location of the meeting on October 25 to the Cambria District Mining Office and have the field trip at the St. Michaels discharge. Stan motioned to change the location of the October 25 meeting. The motion was seconded by Jack Chamberlain. It was unanimously agreed that the meeting location be changed.

- **2008 Meeting Dates** – It was suggested that both the January 3 and July 3, 2008 meeting dates be changed. Stan motioned that the January meeting be moved to January 31, 2008 and the July meeting be moved to July 24. Sue Wilson seconded the motion. The Board unanimously agreed on the date changes.

- **Coal saving Commonwealth money** – Duane Feagley briefly mentioned some information he had gathered on how much money coal was saving the Pennsylvania taxpayer. He will forward a hard copy of his findings to Patty for forwarding to the entire Board.

- **New Interim Final Technical Guidance Document (TGD)** – Joe Pizarchik, DEP, informed the Board that an interim final TGD has recently been published in the *Pennsylvania Bulletin*. The TGD is titled “Mine Drainage Treatment Trust Real Property Disposition Guidelines.” The public comment period for this interim final TGD ends August 6.

- **State/Federal Funding/Budget Issues** – Joe Pizarchik, DEP, also informed the Board of the funding situation of the active mining program. Under federal law 50 percent of the funding of the program is to come from OSM. This has not been the case for a few years. Overall federal funding has not kept pace with the rate inflation. The program has been impacted by the flat funding and is attempting to live within the means available. This is an ongoing issue. The Department is working with IMCC to try to get Congress to appropriate more money.

Stan Geary mentioned that he was at a National Mining Association meeting of the State Coal Association. He said that other states are having the same problems with regards to funding. Stan informed the Board that Anna May is going to encourage the congressional committees to match the 50 percent. Stan further mentioned that some states are seriously considering just giving the entire program back to OSM. Pennsylvania is not one of them.

Dave Strong asked the Board for comments or if the Board would like to make a motion to forward a letter in support of the Department with regards to the funding issues. No comments were received and no motion was given. Dave Strong asked Joe Pizarchik to forward this information to Sue Wilson so that this can be addressed at the next CAC meeting.

- **Open Time** – Dave Strong asked for further questions or comments from the Board. There were none. Dave Strong then asked for a motion to adjourn the meeting. Burt moved to adjourn the meeting and Sue Wilson seconded the motion. The meeting was adjourned.