

**MINING AND RECLAMATION ADVISORY BOARD (BOARD)  
SPECIAL MEETING**

**Thursday, November 29, 2007**

**10:00 A.M.**

**Rachel Carson State Office Building  
Delaware Conference Room, 16<sup>th</sup> Floor  
Harrisburg, Pennsylvania**

Voting Members/Alternates in attendance: David Osikowicz (Chairman), Jack Chamberlin (Member), Walter Heine (Member), Edward Helfrick, Jr. (Member), David Strong (Member), Burt Waite (Member), Joe Deklinski (Alternate), George Ellis (Alternate), Clyde "Champ" Holman (Alternate), Tara Smith (Alternate), Susan Wilson (Alternate)

Others in attendance: Robert Agnew (DEP), William Allen (DEP), James Charowsky (DEP), Eric Conrad, Patty Davenport (Alternate), Duane Feagley (Alternate), Sue Germanio (Alternate), Tom Kerr (HDR Engineering), Darrel Lewis (Alternate), Richard Morrison (DEP), Joseph Pizarchik (DEP), George Rieger (OSM), Andrew Signore (DEP), Christina Simeone (DEP), Mike Terretti (DEP), Amy Wolfe (Trout Unlimited), Kurt Weist (Penn Future), Melody Zullinger (Penna. Federation of Sportsmen's Clubs)

**Meeting Called to Order**

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

**Correspondence**

Mr. Osikowicz reported that the Board had not received any correspondence.

**Committee Reports**

Policy Committee

No report

Reclamation Committee

No report

Regulation, Legislation and Technical Committee

Jack Chamberlin provided the board with a summary of the Committee's November 15, 2007 meeting during which discussion focused on funding options for the Alternate Bonding System (ABS) Legacy. Mr. Chamberlin referenced a document prepared by Joseph Pizarchik, Pennsylvania Department of Environmental Protection (DEP), which had been distributed to the members and alternate members of the Board, and served as the Department's response to their request for information relating to funding of the ABS Legacy, among other closely related matters.

During his report, Mr. Chamberlin recognized Mr. Pizarchik who provided an overview of this document. There was a question and answer session that followed.

### **Funding Alternate Bonding System Bond Forfeiture Discharges**

Mr. Osikowicz recognized Mr. William Allen, DEP, who provided a presentation that included figures, estimates, and projections relating to reclamation fees. This information was offered in response to a motion made by Mr. Osikowicz during the Regulation, Legislation and Technical Committee (RLTC) meeting during their November 15, 2007 meeting. (Please see attached RLTC meeting minutes and "Funding for the ABS BF Discharges" presentation document.)

Following the presentation Mr. Allen, Mr. Pizarchik, Richard Morrison, DEP, and Mike Terretti, DEP, answered questions during a group discussion.

### **Lunch**

Mr. Osikowicz recessed the meeting at 12:35 p.m. for lunch.

### **Continuation of ABS Discussion**

Mr. Osikowicz called the meeting to order at 1:05 p.m. The discussion continued during which time George Ellis made the following motion as the Board's recommendation to the Department as they address the ABS Legacy:

- Utilize the Reclamation Fee Account to fund operation and maintenance (O & M) at ABS Legacy sites.
- Fund the O & M account using the following sources: civil penalties collected under the Surface Mining and Conservation Reclamation Act (SMCRA), reclamation fees (at the current rate for two years then adjust according to funding needs subject to appeal), a portion of the interest earned on other money in the SMCRA Fund (at the Department's discretion), and funds from other sources. (Note: It was specified that this specific recommendation would be temporary until such time a permanent solution is found and the reclamation fee discontinued.)

- Publication of the adjusted reclamation fee, which would be subject to appeal before the Environmental Hearing Board, in the Pennsylvania Bulletin.
- The Department draft language to amend the Surface Mining Act relating to the use of Conversion Assistance funds.
- The Department continues to hold collected bonds from ABS discharge sites, placing the collected interest in a restricted account.

After a period of discussion during which the Department agreed to provide a draft of the regulation to the MRAB for review, Mr. Jack Chamberlin seconded the motion, and the Board unanimously agreed.

Due to the time constraints associated with the rulemaking process, Mr. David Strong made a motion to reschedule the next MRAB meeting for January 10, 2008. Mr. Ellis seconded the motion, and the Board unanimously agreed.

### **Adjournment**

Mr. Osikowicz adjourned the meeting at 1:45 p.m.