

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

**Thursday July 15, 2010
Greensburg District Mining Office
9:00 A.M.**

Voting Members/Alternates: Jack Chamberlin (Member), Duane Feagley (Alternate), Josie Gaskey (Alternate), Mark Killar (Alternate), Curtis Kratz (Alternate), Darryl Lewis (Alternate), David Strong (Member),

Other Attendees: William Allen (DEP), Thomas Blitz (DEP), Thomas Callaghan (DEP), Bruce Carl (DEP), James Charowsky (DEP), Max Demianovich (DEP), Ronald Horansky (DEP), J. S. Lechnar (ETI, Inc.), Joseph Leone (DEP), Andrew McAllister (WPCAMR), Steven Sherman (DEP)

Meeting Called to Order

Mr. Strong served as chair and called the meeting to order at approximately 9:00 AM. He welcomed everyone and asked that they introduce themselves.

Adoption of Minutes

Approval of the minutes from the meeting of April 22, 2010 was delayed until the Board had a quorum of voting members present. The minutes were voted on and approved later in the meeting once a quorum was reached.

Correspondence

No Report

Committee Reports

Policy

No Report

Reclamation

An agreement was made between Red Barn Chicken Farm and PP&L in the form of an air to water nitrogen trade which exports chicken manure to the Ohio River basin for use in biomass crops.

Regulation, Legislation and Technical

On June 18, the Committee met to discuss a Commonwealth bonding program. Ms. Gaskey and Mr. Feagley are working on specifics and they expect to make a formal recommendation to the full Board at a later date.

Bond Rate Guidelines

There were seven reclamation projects that provided data for the update. This year's total cubic yardage is roughly equivalent to last year's at approximately 5 million cubic yards reclaimed. The average bid was 84 cents. There was not much variability between high and low figures. The lowest bid was 80 cents. The highest bid was \$1.10 per yard. The average bid for short push was 89 cents. The average bid for the long push was \$1.10.

Total Dissolved Solids (TDS)

The Board was encouraged to investigate EPA's stance on TDS. EPA researched a monitoring method for TDS by using conductivity. The Bureau of Mining and Reclamation (BMR) is reviewing conductivity/TDS data so that it can be compared to EPA's research, which was not conducted in Pennsylvania. A regulatory package dealing with TDS was passed by the Environmental Quality Board (EQB). There were some questions by Board members on whether or not the new regulations will have a major impact on the mining industry. A more thorough report on the TDS regulations will be presented to the Board at a later date.

Proposed Rulemaking Update

An update on the proposed Coal Ash regulations was presented. The public comment period ended and the final rulemaking package is being prepared. It is scheduled to be presented to the EQB on August 17. The definition of coal ash has been changed back to the statutory definition. There was an addition that allows for coal ash mixed with an alternate fuel to still be considered, provided it meets certain limits. Other exemptions were also included in the new regulations.

The coal fee package was revised in accordance with the Board's recommendations. An estimated \$400,000 in new revenue will be raised from these fees. These fees will support the mining program's permitting operations. The administrative and minor revisions fees have been eliminated from the coal fee package. The package is scheduled to be presented at the September EQB meeting.

The comment period for the Remining Financial Guarantee and Program Deficiency package has ended. Mr. Allen is preparing the comment and response document. The Department has made some minor revisions to the document in response to the comments. The Department would like to have the Board's approval and present the package to the EQB in October to ensure that it can be approved before the end of the year.

Alternate Bonding System (ABS) Legacy Trust Update

A report was made on the ABS Legacy Trust. BMR has a total of 103 agreements reached toward its goal of 130. Mr. Allen provided the Board with a financial update on the reclamation fee accounts. Mr. Allen is also in the process of preparing the Annual Reclamation Fee Report. BMR projects \$200,000 in penalties and \$40,000 in interest to be collected. The draft report will be presented to the Board at the October meeting.

New Business

EPCAMR and WPCAMR are working with ARRIPA in response to EPA's attempt to reclassify coal ash. The belief is that OSMRE will be charged with regulating ash as opposed to EPA.

Mr. Allen and Ms. Gaskey attended OSMRE meetings in regards to the federal Stream Protection Rule. It is now going to be applied to surface mining nationwide as opposed to applying only to states who engage in mountaintop mining. OSMRE is planning to relate "Approximate Original Contour" to a quantitative standard.

Adjourn

With no further questions or comments, Mr. Strong called for the meeting to be adjourned. The motion was seconded and the meeting was concluded.