

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

**Thursday, January 6, 2011
Rachel Carson State Office Building
Harrisburg, PA
10:00 AM**

Voting Members/Alternates: Bob Burns (Alternate), Jack Chamberlin (Member), Allison Dutrey (Alternate via phone), Richard Fox (Alternate), Mark Killar (Alternate), Darrel Lewis (Alternate), David Osikowicz (Member), Tara Smith (Alternate) David Strong (Member), Burt Waite (Member), Sue Wilson (Alternate)

Other Attendees: Molly Adams (DEP), Bill Allen (DEP), Shuvonna Ballard (DEP), Brian Bradley (DEP), Tom Callaghan (DEP), Bruce Carl (DEP), Jim Charowsky (DEP), George Ellis (Alternate), Duane Feagley (Alternate), Rod Fletcher (DEP), Josie Gaskey (Alternate), Steve Hoffman (IRRC), Dan Lapato (DEP), Jeff McNelly (ARIPPA), Richard Morrison (DEP), Paul Pocavich (DEP), John Stefanko (DEP), Mike Terretti (DEP)

Meeting Called to Order

Mr. Osikowicz served as chair for this meeting and called the meeting to order at approximately 10:00 AM. He welcomed everyone and asked that they introduce themselves.

Adoption of Minutes

The minutes for the October 28, 2010 meeting were voted on and passed without comment.

Correspondence

Routine correspondence for the reappointment of Board members was reviewed.

Committee Reports

Policy

No Report

Reclamation

Mr. Strong reiterated the need to find alternate funding sources to replace discontinued federal funds for water treatment facilities. He also informed the Board about collaborative efforts with the gas industry to use mine water in drilling operations.

Regulation, Legislation and Technical

No Report

EPA Draft Permit Requests: TMDL Streams

Mr. Callaghan informed the Board that the Environmental Protection Agency (EPA) has terminated the waiver agreement for mine permits in the Monongahela watershed. Mr. Allen informed the Board that 11 draft permits were returned by the EPA with comments and gave an overview of their objections. The Department is in talks with EPA to determine what they are looking for in permit packages. The Department is also continuing in its efforts to get the EPA to recognize its use of osmotic pressure as a viable alternative to EPA's conductivity study.

Rulemaking Packages Update

Mr. Allen updated the Board on several Rulemaking packages. The Coal Fee Package was published for comment on December 25, 2010. The comment period ends January 24, 2011. The Remining Financial Guarantee Package was approved by the Environmental Quality Board at the November meeting. The Department hopes to provide it to IRRC around February. The Department plans to update the water supply replacement regulations to clarify the language. The Department also continues to work on Subchapters F and G.

ABS Legacy Trust Account Update

\$178,000 has been collected to date for the fiscal year. Mr. Allen gave some suggestions for how to manage this fund in the future. He suggested instituting a reclamation fee to prevent a drastic jump from no fee to a high fee. He also spoke about transfer of access funds from the reclamation fee account to the Legacy account.

2011 Bond Rate Guideline Update

Mr. Carl updated the Board on the current guidelines to date for the fiscal year. There are currently 18 reclamation projects to draw data from. The reclamation cost per cubic yard did not change significantly since the last briefing.

Act 54 Report on the Impacts of Underground

Mr. Shuler informed the Board that the Act 54 Report was available for review by the public.

Proposed RFP for Passive & Active Treatment

The Department currently has five contractors under contract. The current procedure calls for a two-year contract with the option for three one-year extensions not to exceed a total of five years. Current contracts with the five contractors expire this Summer and Fall. The department is considering increasing the number of contractors and extending the total length of the contract to seven years. The department may also add additional duties of the contractor such as construction oversight.

BAMR Status Report

No oral report was available but a handout with the status of BAMR's reclamation projects was made available.

2009/2010 MRAB Annual Report

Ms. Gaskey asked for any changes that should be added to the Report. A few discrepancies were brought to the Board's attention and were going to be looked into before the final report.

A motion was made to preliminarily approve the Report with corrections. It was seconded and passed without comment.

Open Time

Mr. Osikowicz extolled the virtues of Pennsylvania's mining program and strongly encouraged the Department to continue its efforts to find a solution to the issues posed by the EPA's conductivity study.

Adjourn

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