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**PENNSYLVANIA**

**ABANDONED MINE RECLAMATION PLAN**

**AMENDMENT NO. 2**

**UNDER THE PROVISIONS OF THE FEDERAL SURFACE MINING CONTROL AND  
RECLAMATION ACT OF 1977**

**1997**

**PREPARED BY THE OFFICE OF MINERAL RESOURCES MANAGEMENT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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## INTRODUCTION

The Pennsylvania Department of Environmental Protection (DEP) has administered the Title IV AML Reclamation Program in Pennsylvania since July 31, 1982. One of the requirements for achieving primacy was federal approval of our Abandoned Mine Reclamation Plan (Plan).

Since the approval of the Pennsylvania AML reclamation program, the Commonwealth has led the nation in identifying and addressing AML problems that affect public health, safety and the environment. Abandoned mine lands in Pennsylvania constitute a significant liability for the citizens of the Commonwealth while funds available through the Title IV of the Federal Surface Mining Control and Reclamation Act of 1977 (SMCRA) are finite. To address the limited funds and to better serve the citizens of the Commonwealth, PADEP has carefully planned AML program expenditures from Title IV, encouraged AML problem abatement through re-mining, and, has searched for innovative approaches to achieve the reclamation of abandoned coal mining sites. Even with such an aggressive approach, large numbers of sites that seriously affect the citizens of the Commonwealth will never be reclaimed. To address the shortfall in available funds and to maximize other available resources, the Department proposes AML Program Amendment #2 to authorize the Department to enter into agreements with mine operators, individuals and municipalities to direct the reclamation of AML lands that would otherwise remain unreclaimed.

Pennsylvania's long history of mining has left numerous abandoned mine lands. A number of these abandoned sites lack sufficient spoil to allow for proper reclamation or have post-mining discharges or contain large amounts of coal refuse; all of which are very expensive to reclaim through traditional methods. The advent of fluidized-bed combustion processes and cogeneration plants has created a use for some of this coal refuse which provides a means of reclaiming some abandoned coal refuse sites that is more economical than traditional methods. In addition to the abandoned coal refuse disposal areas, opportunities are available for AML reclamation through the placement of spoil from active mines on pre-act pits for the purpose of total reclamation. In those cases where re-mining is viable (profitable), additional mining has taken place and sites have been reclaimed under mining permits issued under Title V. There are numerous sites where the volume of available coal remaining does not warrant the expense of obtaining a surface mining permit or where the potential liability for perpetual treatment of existing post-mining discharges discourage the re-mining and reclamation of the site.

**Basis of Authority for Proposed Amendment:** The PADEP is proposing to amend the AML Plan to implement *Government-financed construction*, found in Section 528 of SMCRA, to allow the exemption to apply in cases involving less than 50 percent financing only in the limited situation where the construction constitutes a government approved and administered abandoned mine land reclamation project under Title IV of SMCRA. In addition, PADEP is proposing to direct the placement of spoil from active permits onto AML eligible lands where the construction constitutes a government approved and administered abandoned mine land reclamation project under Title IV of SMCRA.

The authority for this change is found in Section 413(a) of SMCRA which grants the State, broad discretion to carry out the reclamation purposes of Title IV. Section 413(a) of SMCRA provides the State, pursuant to an approved State program, the *"power and the authority, if not granted it otherwise, to do all things necessary or expedient, including the promulgation of rules and regulations, to implement and administer the provisions of this title."* This proposed rule change is limited in its application to the Abandoned Mine Land Program and is deemed necessary for the Commonwealth to more efficiently and effectively carry out the reclamation mandate established by Congress. It will provide the reclamation program a means to safely, efficiently, and cost effectively dispose of abandoned coal waste and to address AML lands that would not otherwise be remined and reclaimed. Such lands pose a direct threat to the environment or to the public health and safety of the citizens of the Commonwealth.

In addition to the authority granted to PADEP by Section 413(a) of SMCRA, PADEP also has authority under its approved Title IV program. See Exhibit 1. In addition, Section 4.2(a) of PASMCR provides that where the Secretary of PADEP determines "that a condition caused by or related to surface mining constitutes a hazard to public health or safety, he shall take such measures to abate and remove the same as are provided by Section 1917-A of The Administrative Code of 1929, and as otherwise provided by law for the abatement of nuisances." Section 1915-A(4) also authorizes PADEP to seal or close or backfill abandoned deep or strip coal mines and to perform other mine reclamation work.

The objective of Government Financed Construction Contracts (GFCC) is to reclaim abandoned mine lands in a cost effective manner. The removal of coal refuse from an abandoned coal refuse disposal area, placement of active spoil on abandoned mine land, and incidental and necessary coal removal on GFCC's are incidental to the reclamation activities.

This Plan Amendment #2 consists of one new part, Part F, that will be added to the original Plan which included Parts A, B, and C, and Parts D and E from the approved Amendment #1. New Part F contains a description of Pennsylvania's programs for GFCC.

## AML Amendment Conformance with 30 CFR Section 884.13

The regulations at 30 CFR Section 884.13 require that certain information be contained in the Plan when a significant change to the program is made. The following is a list of the required information and how it is addressed under this amendment.

- A. The designation by the Governor of the Commonwealth of Pennsylvania that the Department of Environmental Protection is the State agency authorized to administer the State Reclamation Program and to receive and administer grants under 30 CFR Section 886 is still in effect as it applies to the Title IV program, including the new initiatives, and is contained in Exhibit 1.
- B. A supplemental legal opinion which states that the Department of Environmental Protection has the authority under Pennsylvania and Federal law to conduct the new initiatives in accordance with the requirements of Title IV of the Act, as amended, is located in new Exhibit 2B.
- C. A description of the policies and procedures to be followed by the Department in conducting the reclamation program includes the following:
  - 1. The purposes of Pennsylvania's reclamation program amendment.

The purpose of this Plan amendment is to allow the Commonwealth to achieve reclamation of AML lands through contracts with private individuals, construction contractors, coal companies, and municipalities in a manner where the Government would not have to meet the 50% funding levels required by 30 CFR Section 707.5. In addition, this amendment is to allow the Commonwealth to enter into agreements with coal mine operators to direct the placement of excess spoil off permit to achieve reclamation of adjacent AML lands that otherwise may go unreclaimed.

Under Section 528(2) of SMCRA, activities involving the "extraction of coal as an incidental part of Federal, state or local government-financed highway or other construction under regulations established by the regulatory authority" are exempt from SMCRA. This provision is implemented by 30 CFR Part 707 of the permanent program regulations. Activities exempt from SMCRA under current 30 CFR Part 707 are restricted to government-financed construction where at least 50 percent or more of the construction funds are funds appropriated from a government agency's budget or obtained from general revenue bonds, and where the extraction of coal is necessary to enable the construction to be accomplished. AML reclamation projects, involving the removal of coal incidental to the reclamation projects, are examples of government-

financed construction. Projects involving the incidental removal of coal during reclamation activities have been undertaken since the inception of the AML program.

The objective of this program amendment is to accomplish reclamation at sites that otherwise would not be reclaimed. Within the boundaries for AML project selection and the constraints of annual appropriations for the AML program, the Commonwealth sees the practical potential for accomplishing more reclamation of AML sites by re-engineering funding arrangements to leverage available funds. Specifically, the Commonwealth proposes to eliminate the requirement for funding at least 50 percent of any reclamation project involving the incidental removal of coal. In addition, the Commonwealth proposes to enter into agreements with operators to allow it to direct the placement of excess spoil onto AML eligible sites to achieve reclamation of problems that would otherwise remain unabated. Removing these barriers would allow private companies to underwrite most of the cost of reclamation at sites that would likely go unreclaimed.

In the cases of incidental coal removal under government-financed construction, the reclamation would be funded (partially or entirely) through the sale of existing coal at the site; the Commonwealth's share of the cost, and the ultimate cost to the AML program, would be greatly reduced. Savings to the AML program would be used for reclamation at other sites. In the cases where the PADEP enters into agreements with operators for the placement of excess spoil onto adjacent AML lands for the purposes of reclamation, the cost of reclamation would be funded (partially or entirely) by the operator. This arrangement would allow the PADEP to take advantage of site specific opportunities on mining operations at little additional cost to the AML program, and to achieve reclamation of AML eligible lands that would likely not be chosen for reclamation under the current AML program funding constraints.

Because projects involving the incidental removal of coal and the placement of excess spoil on adjacent AML lands would be approved AML reclamation projects, they encompass the same time-tested administrative, financial, contractual and environmental safeguards as any other approved AML project in the Commonwealth. For example, when incidental coal is recovered and the financing of the project includes government sources, the Commonwealth will document the extent that private financing, public financing, or the combination of private and public financing is used and the reasons for it. Included in the documentation will be all contracts or agreements reached with parties involved in the project.

For each project approved by PADEP, the following information will be set out in the approved plans and agreements:

- (1) The statutory authority for the project, including the primary purpose and the incidental nature of the coal removal or off-permit spoil disposal.
- (2) The site eligibility under the provisions of Title IV of SMCRA.
- (3) All site reclamation requirements, including any performance bonds if deemed necessary and appropriate to protect the AML fund.
- (4) Delineation of any coal refuse, coal waste, or other coal deposits which removal would be covered by the exemption in Section 528(2) of SMCRA and Commonwealth laws and regulations.
- (5) Authority and rights of the PADEP to administer and oversee the proper and full completion of all contract requirements and to terminate the project and forfeit any performance bond when and if such actions are required.

For all projects involving the recovery of incidental coal or off-permit spoil disposal, the PADEP will attempt to leverage the AML funds utilized so that private sources that gain or otherwise benefit from the removal of the coal or placement of excess spoil off a permitted area assume their fair share of the reclamation expenses involved.

The financing contributed by private sources will be based on site conditions, the need to begin reclamation operations to protect the public health and safety and environment, and the potential profit to be realized by the contractor from the sale or use of any coal. In arriving at a proper cost for the reclamation project, the PADEP will be cognizant of the fact that the contractor should be able to make a reasonable profit.

All project information and financial arrangements will be open to the public and discussed as part of the process to involve and inform the public as set forth in the approved Plan. Copies of the project plans and specifications will be available for on-site inspection and verification.

Finally, the PADEP Bureau of Mining and Reclamation and the Bureau of Abandoned Mine Reclamation will jointly determine that a combined Title IV and Title V operation is the most effective means to accomplish the reclamation. They will clearly delineate the AML site parameters and the conditions under which the AML contractor will interact with the Title V operation. The PADEP Bureau of Mining and Reclamation and the Bureau of Abandoned Mine Reclamation will agree in writing on the extent of the remaining and reclamation plan prior to project approval.



2. Site selection using the new program initiatives.

Projects included under this initiative will be received and reviewed primarily on the basis of proposals submitted directly to the PADEP by mining companies, private individuals, municipalities, or private construction companies. The following criteria apply:

**Refuse Pile Reclamation:** The PADEP expects that mining companies, private individuals, municipalities, or private construction companies will solicit agreements for incidental removal of coal in abandoned refuse piles to co-generation plants or processing facilities. PADEP will review the proposals made by such firms and individuals to determine the sites that would not otherwise be mined and reclaimed under the Title V program. In such instances, and at the discretion of PADEP, agreements may be issued to direct the reclamation of refuse piles while allowing the removal of all or a portion of the refuse to a co-generation or reprocessing plant. In addition, PADEP may evaluate certain refuse piles that are creating health, safety, or environmental impacts and seek the participation of interested mining companies, private individuals, municipalities, or private construction companies to enter into an agreement for site reclamation.

**Incidental Coal Removal:** PADEP proposes to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. Site selection will be accomplished through a number of methods. First, as the permitting authority in the Commonwealth, PADEP is aware of permit applications that avoid the remaining of AML lands with coal resources because of economic or environmental constraints. More specifically, some AML lands either have limited coal resources to justify removal under the current permitting system, or, they are in such a degraded condition that they are avoided in the initial permitting process. Through their management of the permitting process and knowledge of the status of AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands while conducting the incidental removal of coal. Second, PADEP expects that operators will recognize the potential for reclamation on areas adjacent to their active operation and approach PADEP to enter into a reclamation agreement.

**Off-Permit Spoil Disposal:** PADEP proposes to authorize the placement of excess spoil from active mining operations on AML sites that would not otherwise be mined and reclaimed under the Title V program. Site selection will be accomplished through a number of methods. First, as the permitting authority in the Commonwealth, PADEP is aware of permit applications that avoid the reclamation of adjacent AML lands because of economic or environmental constraints. More specifically, some AML

lands that an operator would generally be willing to reclaim as part of the active operation are in such a degraded condition that they are avoided in the initial permitting process. Through their management of the permitting process and the knowledge of the status of AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands adjacent to permitted operations.

3. The coordination of reclamation work among other state agencies, the Natural Resources Conservation Service, the State Historic Preservation Officer, the U. S. Fish and Wildlife Service, and others is included in the approved Plan and will apply to the initiatives contained in this amendment.
  4. The policies and procedures regarding land acquisition, management and disposal are contained in the approved Plan. The PADEP does not anticipate that land acquisition, management and disposal activities will be implemented as a result of this amendment.
  5. The policies and procedures regarding reclamation on private land are discussed in the approved Plan and remain unchanged by the amendment. PADEP will apply the realty requirements of the AML program to the activities under this amendment.
  6. The policies and procedures regarding Rights of Entry are discussed in the approved Plan and are not being altered under this amendment. PADEP will follow Commonwealth policies and procedures and the approved Plan when obtaining rights of entry for the initiatives under this amendment.
- D. A description of the administrative and management structure to be used in conducting the reclamation program includes the following:
1. The organization of the Department is discussed in the approved Plan and is updated as shown in new Exhibit 5, the organization of the Mineral Resources Management Deputate is updated as shown in new Exhibit 6.
  2. The Department's personnel staffing policies are discussed in the approved Plan and are not altered as a result of this amendment.
  3. The Department's purchasing, procurement and contracting policies are discussed in the approved Plan and are not altered as a result of this amendment.
  4. The Department's accounting system is discussed in the approved Plan and is not altered as a result of this amendment.

- E. A general description of the reclamation activities to be conducted under the Plan includes the following:
1. The map which shows the general location of known or suspected eligible lands and waters is in the approved Plan and is not being changed as a result of this amendment. PADEP maintains the AML inventory of eligible lands in the Commonwealth. The inventory contains detailed information on the types of AML problems, the extent of the problem, and, a description of proposed reclamation techniques. In addition, the AML inventory contains an estimate of the cost to reclaim AML problems using standard abatement techniques of the program. This amendment proposed some additional reclamation tools in the form of government-financed construction and off-permit spoil disposal. These tools will be used to address AML problems both contained in and eligible for inclusion in the inventory.
  2. The general description of the abandoned mine lands problems which occur on those lands and waters is discussed in the approved Plan and in Part F. See discussion under E.1. above.
  3. A discussion of how this Plan amendment proposes to address AML problems is contained in the information in Part C above, and, is contained in the more detailed descriptions of the reclamation process contained in Part F. See discussion under E.1. above.
- F. A general description of the conditions prevailing in the areas of Pennsylvania where reclamation is planned is included in the approved Plan and is not altered as a result of this amendment. See discussion under E.1. above.

## **Part F: Government Financed Construction Contracts**

(1) **Incidental Coal Removal** - PADEP proposes to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. Through its management of the permitting process and knowledge of the status of the AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands which involve some incidental removal of coal. Following are (3) examples of situations where PADEP proposes to utilize the GFCC to address AML liabilities.

- (a) **Refuse Pile Reclamation** - As a result of an extensive history of mining in Pennsylvania, thousands of coal refuse piles are scattered throughout the state in both the bituminous and anthracite fields. In many cases these piles are unsightly, unsafe and are adding to the sedimentation and mine drainage pollution of Pennsylvania streams in areas that are economically deprived because of poor water quality and general aesthetics.

Depending on the method used to clean the coal and the volume of material available, these piles have varying degrees of value. Those piles that are larger in volume and higher in quality have traditionally been permitted under the Title V program while the smaller, poorer quality piles have remained virtually untouched and are not and will not be likely candidates for permitting. These are the types of piles that are generally suitable for use in the fluidized-bed combustion processes employed at cogeneration plants and the types of piles that will be reclaimed under the proposed program.

- (b) **Reclamation of Abandoned Deep Mines** - An example specific to this initiative would be represented by an abandoned deep mine that includes subsidence problems and acid mine drainage discharges. The reclamation of this type of site would involve the daylighting of the deep mined area, the incidental and necessary removal of any coal encountered, the placement of alkaline material over the area of deep mine affected, and the construction of some type of passive treatment system to insure the reduction of pollutional loading from the discharges. Because of the limited amount of coal available, and the potential water quality liability for the discharges, this sample site would not be a candidate for a surface mine permit under the Title V Program. This type of site would particularly appeal to the watershed organizations that have been formed to deal with exactly these reclamation opportunities with the potential to significantly increase water quality in a given watershed.

- (c) **Unreclaimed Highwalls Adjacent to Active Mine Sites** - Nearly all permits issued under the Title V program include varying levels of remaining or are located within close proximity to previously affected areas located outside of permit boundaries. In some cases coal along the crop barrier may have gone unmined because of poor quality or high moisture content. In other cases an additional cut taken off the highwall may facilitate a reclamation plan that results in a more suitable post-mining land use or may facilitate an abatement project (alkaline addition - highwall drains, etc.) that will result in improved water quality. In those situations where a Title V permit is impractical due to limited coal recovery or poor coal quality, PADEP proposes to direct reclamation of these sites through a GFCC which allows for the incidental removal of coal to complete reclamation of the AML lands.
- (2) **Placement of Excess Spoil on Adjacent AML Lands** - PADEP proposes to authorize the placement of excess spoil from active mining operations on AML sites that would not otherwise be mined and reclaimed under the Title V program. Through its management of the permitting process and the knowledge of the status of AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands adjacent to permitted operations. The institution of this program will allow PADEP to maximize its reclamation efforts on AML lands at no expense to the funding sources for PADEP's AML program. Savings to the AML program would be used for reclamation at other sites throughout the Commonwealth.

The proposed program amendment would offer solutions to the following problems that exist throughout Pennsylvania's coal field:

- (1) Conditions which create a risk of fire, landslide, subsidence, cave-in or other unsafe, dangerous or hazardous condition, including but not limited to any unguarded and unfenced open pit area, highwall, water pool, spoil bank and culm bank, abandoned structure, equipment, machinery, tools or other property used in or resulting from surface mining operations, or other serious hazards to public health or safety.
- (2) AMD pollution and sedimentation into Pennsylvania's streams.
- (3) Unsightly, and unproductive property that has been largely unreclaimed through either the AML or active mining programs.
- (4) Inadequate funding to address the above three Pennsylvania reclamation liabilities.

Generally speaking, the above conditions exist in areas that are economically depressed and environmentally damaged. The necessary reclamation represents an

AML liability well in excess of hundreds of millions of dollars. The proposed program offers an additional solution to Pennsylvania's obligation to provide clean water and a safe and health environment to its citizens.

Following is a description of program requirements for GFCCs.

## PROGRAM REQUIREMENTS

- A. The Department will solicit and accept proposals to enter into a GFCC for the purpose of reclamation of abandoned mine lands some of which may involve the incidental and necessary removal of coal.

To be an "eligible person" the person must clear the Department's standard compliance with AVS checks. In addition, the person must clear a check through the Commonwealth's contractor responsibility program.

A GFCC under the terms of this Amendment, is limited to those situations where a contractor proposes to enter into an agreement to perform reclamation on abandoned mine lands with the incidental and necessary removal of coal or to use excess spoil from a permitted site to reclaim an abandoned mine land. Reclamation should also include, where feasible, the installation of passive treatment systems and/or other measures to mitigate pre-existing discharges. No processing of coal will be conducted on-site.

Coal refuse ash may be returned to the site consistent with a general permit issued by the Department.

Sewage sludge may be utilized for site reclamation consistent with a beneficial use order or land reclamation permit.

PADEP will conduct an expeditious review of the proposal for adequacy of the monitoring plan, erosion and sedimentation control plan, operation plan, and reclamation plan. Particular attention will be given to the feasibility of installing passive treatment systems and/or other measures to mitigate pre-existing discharges. Any deficiencies are to be communicated to the contractor in writing.

Even though reclamation activities under a GFCC are not subject to the barrier prohibitions of 86.102, precautions will be designed in the operation and reclamation plans to minimize any potential adverse impacts on areas that would be considered prohibited areas under a coal mining permit.

A performance bond in an amount determined by the PADEP shall be submitted on forms provided by the PADEP for all GFCC sites where bond is required.

- B. A proposal for a GFCC will consist of a facesheet and the following modules as applicable:

Module #1 - Ownership and Right of Entry  
Module #2 - Environmental Resource and Operations Map  
Module #3 - Hydrology

Module #4 - Operational Information

Module #5 - Streams

Module #25 - Flyash

Module #27 - Sewage Sludge

- (a) The ownership control information is to be entered into LUMIS and a compliance check/AVS check run. If a "bar" is found, the proposal is to be returned. If "no bar" is found, the proposal will be accepted and given an ID number.
- (b) All proposals will be subject to the consultation requirements with other state agencies as prescribed by PA's approved AML plan.
- (c) The PADEP will advertise receipt of the proposal (see draft notice). This notice shall be run once a week for two weeks in a newspaper local to the project area.
- (d) The municipality and county in which the site is located will be notified, by certified letter, that the PADEP received a proposal for a GFCC to perform reclamation activities within the municipality.
- (e) Upon final execution of the contract, PADEP will notify the host municipality and county by certified mail of the action (see draft notice); notify any agencies who submitted comments; notify appropriate State Legislators, in writing, of the action; and issue a press release of the action (Regional Community Relations Coordinator to assist in preparation of this release). If a Small Projects Permit is issued with the executed contract, notice must be made in the PA Bulletin.



### **Monitoring Program for GFCC's**

The PADEP will conduct monthly inspections of all GFCC's until the site is determined to be stabilized by vegetation. At that time, the PADEP will continue to conduct regular inspections on a quarterly basis until the contract receives final approval and final bond release.

Attached are the inspection forms with instructions that will be utilized to monitor the GFCC program.

GFCC INSPECTION REPORT

Investigator \_\_\_\_\_

On-Site Times \_\_\_\_\_

Weather \_\_\_\_\_

CONTRACTOR  ADDRESS	TOWNSHIP	COUNTY	CONTRACT NO.  EXPIRATION DATE
	LICENSE NO. & EXP. DATE		OPERATIONAL STATUS

GENERAL INFORMATION

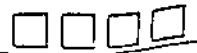
- a. Description of Project Area: \_\_\_\_\_
- b. Acreage: \_\_\_\_\_ Total \_\_\_\_\_ Affected \_\_\_\_\_ Regraded \_\_\_\_\_ reclaimed
- c. Equipment-Use & Conditions: \_\_\_\_\_
- d. Subcontractor Approved  Yes  No
- e. Ownership and Control Annual Update  Yes  No

S - Satisfactory U - Unsatisfactory

PERFORMANCE STANDARDS							
Obs.	STANDARD	S	U	Obs.	STANDARD	S	U
	Signs & Markers GC 15				Gen. Reveg. Mod 4.12		
	Topsoil-Removal/Storage/Handling GC 4				Timing GC 12		
	Effluent standards GC 2				Species Mod 4.12		
	Sediment Control Measures GC1 & Mod 4.9				Seed Bed Prep. Mod 4.12		
	Treatment Facilities GC2				Mulching Mod 4.12		
	Sediment Ponds GC 1				Success Std. GC 13		
	Discharge Structures GC 1				Haul Roads Mod 4.10		
	Dams, Ponds-Design/Const/Maint GC 1				Equip. & Oper. Plan Mod 4.1		
	Water Monitoring-Surface/Ground Mod 3.4				Reclamation Schedule Mod 4.3		
	Water Accumulations GC 2b				Streams Mod 5.0		
	Non-Coal Waste Disposal GC 8				Back-final Slope GC 10		
	Air Resource Protection Mod 4.13				Hours Operation Mod 4.14		
	General Backfilling Mod 4.2 & 4.3				General Conditions		
	Toxic Material Compaction GC 9				Site Specific Conditions		
	Regrade Rills & Gullies GC 12b				Fires and hot spots Mod 4.6		

Comments and Recommendations:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Person Contacted/Signature _____	Title _____	Range of Samples Collected _____ to _____ Investigator Signature & I.D. No. _____
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## INSTRUCTIONS FOR INSPECTIONS AND COMPLETION OF GFCC INSPECTION REPORTS

### I. **Heading Information**

- a. List the date, Weather Conditions, and the beginning and ending times of inspection at the top of the inspection report.
- b. List the contractor name and address exactly as shown on contract documents and Township and County in which project is located.
- c. List the Contract Number and Expiration Date as indicated in the Contract and the Contractor's License Number, Contractor or ID# and Expiration Date. You may need to confirm the License Expiration Date with the District Office.
- d. Indicate the operational status in the block provided as one of the following (1) not started, (2) active, (3) temporary shutdown, (4) regraded and (5) reclaimed.

### II. **General Information**

- a. Provide a brief description of the project area currently being worked.
- b. List the total acreage for the project, the acreage affected at the time of inspection, the acreage regraded at the time of inspection and the acreage totally reclaimed at the time of inspection.
- c. Describe the Equipment being used and the condition of the equipment. (Example: 988 hi-lift in state of disrepair).
- d. If a subcontractor is performing work on the site, check (✓) yes and provide the name and address of subcontractor.
- e. List the date of the most recent submission of ownership and control information.

### III. **Performance Standards**

- a. During the inspection of the GFCC project area, all performance standards applicable to the site should be evaluated for conformance with contract requirements, general and site specific conditions for the project, and information provided by the contractor in the application (modules). Please note that each performance standard has a reference to the

appropriate project application module or general condition for the project. If you need a clarification of any performance standard, check the reference indicated.

- b. Indicate with a check (✓) under Obs (observed) all performance standards evaluated during an inspection. Any performance standards not applicable to the project should be noted as NA under Obs.
- c. For those performance standards applicable to the project place a check (✓) in the S (Satisfactory) or U (Unsatisfactory) block. Any unsatisfactory checks (✓) should be fully explained under comments and recommendations and the inspector shall establish deadlines for any required corrective action. If the deficiencies are of a serious or continuing nature, the inspector should recommend the issuance of a deficiency report or administrative order by the District Office and fully explain the basis for the issuance of the deficiency report or administrative order.
- d. In those cases where activities on a GFCC are in conflict with the conditions or requirements of any supplemental permits that are part of this contract as referenced under "Site Specific Conditions," insert the number of the site specific condition(s) and check U for Unsatisfactory.

#### **IV. Sample Collection and Company Official Contacted**

- a. At the bottom of the form, any samples collected during the inspection should be listed consistent with program sample collection and identification procedures.
- b. At the conclusion of the inspection and after completion of the inspection report, the inspector should review his findings with the job foreman (person in charge) and request that he sign the report and indicate his title. The inspector should print the name of the person contacted below his signature to insure readability.

### EXHIBIT 3

#### PA Bulletin Advertisement (Sample)

##### Availability of Draft OSM Title IV Program Reclamation Plan Amendment #2

The Department of Environmental Protection (DEP), Bureau of Abandoned Mine Reclamation, is proposing to amend Pennsylvania's *Abandoned Mine Reclamation Plan*, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, as amended. This amendment authorizes Government Financed Reclamation Contracts to allow for (1) the removal and reclamation of coal refuse disposal piles, (2) the transporting of excess spoil from an active permitted mine site to a previously affected area for the purpose of reclamation and, (3) incidental and necessary coal removal as part of reclamation activities on Government Financed Reclamation Contracts. The draft Abandoned Mine Reclamation Plan Amendment is available for public review and comment. To be considered, comments must be submitted to and received by the Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 1467, Harrisburg, PA 17105-1467 within 30 days of the date of this Bulletin. A copy of the Abandoned Mine Reclamation Plan Amendment may be obtained by contacting the following DEP offices:

Bureau of Abandoned Mine Reclamation  
P. O. Box 1467  
Harrisburg, PA 17105-1467  
Telephone: 717-783-2156

Wilkes-Barre District Office  
Bureau of Abandoned Mine Reclamation  
93-95 North State Street  
Wilkes-Barre, PA 18701  
Telephone: 717-826-2371

Ebensburg District Office  
Bureau of Abandoned Mine Reclamation  
122 South Center Street  
Ebensburg, PA 15931  
Telephone: 814-472-1800

James Seif  
Secretary

COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 OFFICE OF CHIEF COUNSEL  
 (717) 787-7060  
 April 30, 1997

**SUBJECT:** Government Construction Contracts for Reclamation of Abandoned Mine Lands which Contracts Involve the Incidental Removal of Coal or the Placement of Excess Spoil on Adjacent Abandoned Mine lands

**TO:** Ernest F. Giovannitti  
 Director  
 Bureau of Abandoned Mine Reclamation

**FROM:** *Joseph G. Pizarchik*  
 Joseph G. Pizarchik  
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This office has been asked for a legal opinion concerning the Pennsylvania Department of Environmental Protection's (PADEP) statutory authority to enter into government construction contracts for the purpose of reclaiming abandoned mine lands where such contracts involve the incidental removal of coal or the placement of excess spoil on adjacent abandoned mine lands.

The PADEP is authorized to establish, administer and conduct a state reclamation plan which includes government construction contracts entered into for the purpose of reclaiming abandoned mine lands and which contracts involve the incidental removal of coal or the placement of excess spoil on adjacent abandoned mine lands. This authority is granted in the following Pennsylvania Statutes: the Land and Water Conservation Act, Act of January 19, 1968, P.L. 996, No. 443, 32 P.S. §5101 et seq; the Coal Mine Sealing Act of 1947, Act of June 30, 1947, P.L. 1177, 52 P.S. §§28.1 et seq; the Act of April 3, 1968, P.L. 92, No. 42, 52 P.S. §§30.201 et seq; the Act of July 7, 1955, P.L. 258, 52 P.S. §683; the Clean Streams Law, Act of June 22, 1937, P.L. 1987, 35 P.S. §§691.1 et seq; the Act of July 19, 1965, P.L. --, No. 117, 52 P.S. §30.101 et seq; the Act of May 7, 1935, P.L. 141, 52 P.S. §§809 et seq; the Surface Mining Conservation and Reclamation Act, Act of May 31, 1945, P.L. 1198, No. \_\_\_\_, 52 P.S. §§1396.1 et seq; and the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, §§1915-A and 1917-A, 71 P.S. §§ 510-15 and 510-17.

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In addition to the statutory authority provided by the Pennsylvania laws cited above, Section 413(a) of the Surface Mining Control and Reclamation Act 30, U.S.C. §1242(a), provides PADEP the authority to establish, administer and conduct a state reclamation plan which includes government construction contracts that involve the incidental removal of coal or the placement of excess spoil on adjacent abandoned mine lands.



# COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

