



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8461
Harrisburg, PA 17105-8461
August 1, 2008

Bureau of Mining and Reclamation

717-787-5015

Mr. George Rieger
Director
Harrisburg Field Office
Office of Surface Mining Reclamation and Enforcement
4th and Market Sts, Ste 3C
Harrisburg, PA 17101

RE: *Formal submission in response to Part 732 notices and the required program amendment codified in 30 CFR § 938.16(h)*

Dear Mr. Rieger:

Enclosed is Pennsylvania's formal submission in response to Part 732 Notices and the required demonstration and or program amendment codified in 30 CFR § 938.16(h). The program amendment is titled "Pennsylvania Regulatory Program Amendment Regarding Pennsylvania's Defunct Alternative Bonding System as Required by 30 C.F.R. § 938.16(h) and the Part 732 Notices," dated July 31, 2008 (ABS Program Amendment). The entirety of the submission is included on the enclosed compact disc. Pennsylvania is seeking approval of this program amendment submission *in toto*, in accordance with 30 CFR § 732.17(h)(7), to satisfy the conditions imposed by 30 CFR § 938.16(h) and the Part 732 Notices.

This formal program amendment consists of the following parts:

- ABS Program Amendment Part 1 - The Conversion Assistance Program;
- ABS Program Amendment Part 2 – Trust Funds as an Alternative System and Other Equivalent Guarantee: Rationale for Approval;
- ABS Program Amendment Part 3 – Demonstration of Sufficient Funding for Outstanding Land Reclamation at the Primacy ABS Forfeiture Sites;
- ABS Program Amendment Part 4 – Demonstration of Sufficient Funding for Construction of All Necessary Discharge Treatment Facilities at the ABS Forfeiture Sites;
- ABS Program Amendment Part 5 – Regulatory Changes to Establish Legally Enforceable Means of Funding the O&M and Recapitalization Costs for the ABS Legacy Sites.



In addition to the five parts of the formal program amendment, this submission also includes a variety of explanatory and supporting information and documents, as well as a number of documents that are incorporated by reference.

The enclosed ABS Program Amendment will not have an effect on historic properties. The ABS Program Amendment does not relate to air or water quality standards.

On June 16, 2008, Pennsylvania provided OSM information relating to the known ABS Legacy. This information has been updated and the updated materials are included in this program amendment as supporting information. For example, you will note that there are three fewer AMDTreat output files included with this submission. This is due to the recent reclassification of discharges for three permits. In addition, the other documents that were sent on June 16 have been updated to reflect the progress made.

If you need additional information, please feel free to contact me.

Sincerely,



Joseph G. Pizarchik, Esquire
Director
Bureau of Mining and Reclamation

Enclosures

cc: Kurt Weist