

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Thursday, April 27, 2006

10:00 A.M.

**Delaware Room, Rachel Carson State Office Building
Harrisburg, PA**

Members/Alternates in attendance: David Osikowicz (Chair), Richard Fox (Alternate), Burt Waite (Member), David Strong (Member), Janis Dean (Alternate), Edward Helfrick, Jr. (Member), Duane Feagley (Alternate), Jack Chamberlin (Member), Stan Geary (Alternate), Sue Germanio (Alternate), Susan Wilson (Member), Patricia Krommes (Alternate), Joe Deklinski (Alternate), and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Sam Faith (DEP), Joe Pizarchik (DEP), Richard Morrison (DEP), Marc Roda (DEP), John Meehan (DEP), Curtis Kratz (Penn E & R), George Rieger (OSM), Bruce Carl (DEP), Patricia Davenport (DEP), and Bill Allen (DEP).

Meeting Called to Order

Chairman David Osikowicz called the meeting to order at 10:00 a.m. He welcomed everyone and asked that they introduce themselves. Burt Waite moved to approve all the minutes as presented. Richard Fox seconded the motion. The motion was made and the Board unanimously agreed to accept the minutes as presented.

Correspondence

The Board was not in receipt of any correspondence.

Committee Reports

- No Policy Committee report.
- Reclamation Committee report.
- David Strong spoke about the Mine Pool Task Force. The Citizen Advisory Counsel (CAC) requested Dave write a letter to the Secretary in light of all the positive things that are happening. CAC wants to be sure this task force keeps going after the pending July retirement of Joe Schueck, DEP, whom spearheaded the task force. Dave would like to see the task force formalized, as he feels it has been a real asset. Mr. Strong requested input from the Board. The Board proposed writing a letter providing specific recommendations to the Secretary.

Key Obligation: Dave Strong is to formulate a letter and provide it to the Board via

e-mail for comment. This letter will be brought to the next Board meeting for discussion prior to it being submitted to the Secretary as a formal recommendation. The letter will be sent jointly from both CAC and the MRAB.

- Regulation, Legislation and Technical Committee report.
 - Jack Chamberlain reviewed the committee meeting held at the Moshannon District Office on April 11. The meeting was about dealing with Conventional Bonding shortfalls. Mr. Chamberlin presented 12 recommendations the committee was bringing before the full Board for endorsement. Stan Geary moved that the Board accept the recommendations as made. Burt Waite seconded the motion. The Board agreed to endorse the recommendations as presented.

Joseph Pizarchik thanked the committee for the recommendations and expressed the Department's appreciation. Mr. Pizarchik said the Department would review the recommendations, decide how to address them, and will move to finalize the report.

Bill Allen and Mr. Pizarchik reviewed the Department's view on each of the recommendations. In regards to Bond Rate Guidelines, the Department is looking to bring preliminary numbers to the January meeting of the Board, have the revised numbers published in February, and make the revised Bond Rate Guidelines effective yearly on April 1. Mr. Pizarchik explained that the Department believes the current Conventional Bonding system is working well. The Department is however, looking to fine-tune what we already have to minimize potential glitches.

Key Obligation: The Department will e-mail a link to the revised TGD on conventional bonding when it is made available for public comment.

Key Obligation: The Department will bring the new preliminary Bond Rate Guideline numbers to the Board for review at the January meeting.

Interim Bond Rate Guidelines

- Bruce Carl, DEP, provided the Board with a Power Point presentation summarizing cost increases and the resulting interim Bond Rate Guideline calculations.

Storage Tanks on Coal Mining Permits Update

- Bill Allen, DEP, told the Board the proposed technical guidance document (TGD) was published and comments were received from PCA. PCA's primary comment recommended that the Department implement a minimum size for tanks of greater than 250 gallons for tanks that are looked at under the TGD. Mr. Allen said the Department is looking to phase this program in over the next year.

Annual Remining Incentive Report

- John Meehan, DEP, presented the Annual Remining Incentive Report to the Board. Mr. Meehan noted the number of reclaimed acres appears to be dropping off dramatically. He explained that a big reason for this is the way the Department is tracking it. Due to the switch to conventional bonding the Department is not seeing the stage 2 completions until the end of the permit. It will take several years for the numbers to catch up.

Stan Geary had the following questions and comments: In addition to incentive programs, industry is also reclaiming a number of acres. Mr. Geary also requested page 4 be updated to reflect the adoption of the federal standards as Congress is expected to reauthorize the AML program. Mr. Geary also made note that that there is no mention of any water improvements that have been realized due to reclamation efforts.

Key Obligation: Stan Geary and Sue Germanio will revise the recommendations and e-mail the proposed 2005 comments to the Board for review. Mr. Geary requested that anyone on the Board who has recommendations provide them to either Sue or himself for inclusion.

Growing Greener 2 Remining Update

- Joseph Pizarchik, DEP, provided an update on Growing Greener 2. The Bureau of Mining and Reclamation (BMR) is working on a program which has been patterned after the existing SOAP program. The SOAP program is no longer being funded on the federal level and funds are expected to run out this year. BMR is looking at adding items such as Best Management Practices, (alkaline additions), tailored to priority 1 and 2 discharge sites. The program is being broadened to include all operators. Department staff has re-examined the SOAP projects already in process to see which ones contain appropriate criteria for GG2 funding and is currently seeking approval for them. Staff is working with the District Mining Offices to get possible GG2 sites and projects identified and prepare requests for the September bond listing of sites. DEP is also working to expand the GFCC program to include those sites where the value of the coal is not sufficient to offset the cost of reclamation. Bureau staff is working on getting contracts in place for the design of passive treatment systems to deal with discharges. These contracts will be available for the District Offices to use.

Blanket Bond Program Update

- Joe Pizarchik, DEP, explained the Department is having new bond forms developed. The Bureau is also working with Department IT staff to get the database ready for implementation. It is hopeful that everything will be ready for July 1. There is one operator that went through the pilot process and has met the pre-qualification standards. Live training will be made available to District Office staff as operators in their area

express an interest in the Blanket Bond program. Department staff is working to get this TGD finalized.

Mine Opening Blasting Regulation Update

- Joe Pizarchik, DEP, explained that the Mine Opening Blasting Regulations are scheduled for presentation to the EQB on May 17. A thirty-day comment period is anticipated on this package.
- Joe Pizarchik, DEP, also mentioned the Surety Reclamation Fee package. This package will be presented to the EQB at the May meeting as well.

Water Supply Replacement Update

- Bill Allen, DEP, explained that in response to the EQB's Lang decision, the Department is working on a draft TGD for operation and maintenance costs for replacement water supplies. The draft TGD is being, for the most part, modeled after the principles used in the Lang decision. The Department is working toward getting regulations introduced.

Key Obligation – The Department will e-mail the link to the “Increased Operation and Maintenance Costs of Replacement Water Supplies” draft TGD to the Board when published.

2004-2005 MRAB Annual Report

- The MRAB Annual Report was brought to the Board for approval. Sue Germanio noted a typo on page 14. Stan motioned to approve the Report with the adjustment Sue mentioned. Joe Deklinski seconded the motion. Sue Germanio mentioned that Sue Wilson has been nominated to compile the 2005-2006 MRAB Annual Report.

Draft Letter – Funding AML Reclamation

- Stan Geary, mentioned some changes he thought should be made to the letter and questioned a figure presented on page 2. Stan motioned to move forward with the letter after his changes were made. Sue Germanio seconded the motion. The Board moved to accept the letter after the changes Stan made were completed.
- The accuracy of the 94% figure BAMR provided will be reviewed with Roderick Fletcher, DEP, prior to the letter being sent to Congress.

New Business

- Chairman Osikowicz requested the Board's input on the proposed July meeting date change. Burt Waite motioned that the meeting be moved to, July 12 and 13. Jack Chamberlin seconded the motion. The motion was made and the proposed date change date was accepted by the Board.

- The Board discussed possible field trip sites and ideas including; Good Samaritan sites in western Pennsylvania, sites where things have not gone quite as nice (Hansloven or Walls), sites where water from abandoned mines is being reused, the Botanical Gardens, and LTV discharge sites. Chairman Oskowicz left the decision up to Joe Pizarchik and Mike Terretti.

Open Items

- Joe Pizarchik, DEP, spoke regarding ongoing efforts to implement a Federal Environmental Good Samaritan Act. Mr. Pizarchik testified before a congressional subcommittee on behalf of both IMCC and Pennsylvania.
- Burt Waite asked Mr. Pizarchik if the Board's endorsement would be helpful. Mr. Pizarchik indicated that he thought it would. Chairman Osikowicz requested BMR staff prepare a letter from the Board to review at the July meeting. Mr. Pizarchik suggested that a letter be drafted to address Pennsylvania Congressional Delegation as well. Chairman Osikowicz concurred.

Key Obligation – Mr. Pizarchik will have his staff draft the letters. These letters are to be provided to the Board for review and comment at the July meeting.

National Academies Report on Managing Coal Combustion Residues (CCR)

- Al Dalberto, DEP, briefly reviewed the report. The report appears very positive. The Board was provided an eleven-page summary for review. The full report is available both on-line and for purchase. A few areas of concern with ash usage are identified. The report stresses the need for national regulations in this area and suggests EPA or OSM develop them either individually or as a joint effort. The Department is reviewing our program to do what we can to improve it and address any possible concerns. This item is going to be discussed at the IMCC meeting.

BAMR Projects/Status Report

- Chairman Osikowicz deferred Brian Bradley's BAMR status report to the July meeting.

A motion was made and seconded and the Board moved to adjourn.