

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Thursday, April 26, 2007

10:00 A.M.

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

Members/Alternates in attendance: David Strong (Member), Duane Feagley (Alternate), Stan Geary (Alternate), Susan Wilson (Member), Burt Waite (Member), Darrell Lewis (Alternate), Representative Deberah Kula, Bruce Tetkoskie (Member), Dave Mankamyer (Member).

Others in attendance: Secretary Kathleen McGinty, Jim Charowsky (DEP), Mike Terretti (DEP), Richard Morrison (DEP), John Meehan (DEP), Curtis Kratz (Penn E & R), George Rieger (OSM), Bruce Carl (DEP), Patricia Davenport (DEP), William Allen (DEP), Tara Smith (Representative DeWeese's Office), Brian Bradley (DEP), Scott Roberts (DEP), Zack Church (DEP), Bruce Golden (WPCAMR), Roderick Fletcher (DEP), Geoffrey Lincoln (DEP), Tammy Masser (DEP), Allen Mankamyer, Kenneth Yingling (Amfire Mining), Eric Conrad (Conrad & Associates), and Ronald Hassinger (DEP).

Meeting Called to Order

Dave Strong called the meeting to order at 10:00 a.m. He welcomed everyone and asked that they introduce themselves.

Dave asked for a motion to approve the January Mining and Reclamation Advisory Board (Board) meeting minutes. Duane Feagley moved to approve the minutes as presented. Burt Waite seconded the motion. The motion was made and the Board unanimously agreed to accept the Board meeting minutes.

Correspondence

The correspondence received by the Board included, Mark Snyder appointing Darrell Lewis as an alternate, Edward Helfrick, Jr. appointing Duane Feagley as an alternate, Citizen's Advisory Council reappointing Dave Strong and Burt Waite to the Board, and a letter from Representative Kula appointing Joyce Martin as her alternate.

Committee Reports

- No Policy Committee report.

Beneficial Use Permits - Ron Hassinger

- Ron discussed and passed out a permit summary of a General Permit for fluidized bed boilers being worked on by Waste Management. This is a new Department initiated permit for agricultural plant/animal waste fuel materials. This proposed General Permit is going to be going out for public comment. It will be published on May 5 and the comment period will be 60 days. This General Permit is for circulating fluidized bed boilers.
- Dave Strong mentioned that it would be nice to have a quick fact sheet on what needs to be done for mining. He feels the operators may not have enough information on using these permits. He stated that it is important that these type plants be supported as they can result in a lot of reclamation being completed. Mike mentioned that OSM was going to be promulgating rules for the use of ash at mining operations and that the Department's mining program was going to be looking at this very closely. OSM has requested comments on this rulemaking.

Key Obligation – The Reclamation Committee would like to see the Department create a quick checklist for operators explaining what steps need to be taken to utilize ash under these General Permits.

- Dave Mankamyer feels a task force should be put together to see this through the hurdles and take the obstacles on one at a time to make this work. Somerset County currently imports approximately ten thousand tons of chicken litter a year to help the Chesapeake and is working on the nutrient-trading program.

Secretary Kathleen McGinty's Comments to the Board

- Secretary McGinty thanked the members/alternates for their long service to the Board. She said that the advice, perspective, and insight brought to the Department is invaluable. Secretary McGinty stated that she has taken a very strong interest in this part of the Department and has valued the opportunity, with the Boards guidance, to bring a variety of groups to the table. The Department has put out 2 rounds of special requests for proposals to figure out ways that abandoned mine discharges can be seen as more than just a pollution challenge, but perhaps see some energy value in the water.
- A panel of General's that was put together to examine several issues determined that global climate change represented one of the most significant national security threats this country faces. In releasing this report there was a spotlight placed on water resources. Water, even polluted water, is a priceless resource and can be utilized in many ways.
- The Secretary wanted to enlist the Boards ideas and advice in regards to the newly authorized Title IV program and how best the money can be managed that will be coming in for the remediation of AML challenges. The Secretary explained that the MRAB is in a unique position to inform and moderate expectations. Secretary McGinty mentioned possibly working with the legislature and the designation of a special account that would enable an above usual treasury rate of return on the dollars received so the dollars can grow and provide for a greater ability to chip away at the abandoned mine land water challenges. The Department needs assistance from Citizen's Advisory Council and the

MRAB in particular, in determining what percentage of the monies should be set aside. The Secretary looks forward to engaging with the Board in figuring out how to utilize these dollars to maximize the opportunity to address the legacy of abandoned mine challenges in Pennsylvania.

- Stan asked what the overhead costs are and how much is spent on the ground, as perhaps ways to reduce this can be looked at. Scott Roberts providing a rough breakdown of approximately 20% of monies used for overhead. Rod stated that BAMR's rough estimate was typically about 85% of a dollar was allocated directly to engineering and construction.
- Dave Strong mentioned subcontracting as a possibility. Scott mentioned that BAMR is looking into partnering with other entities that might see a value in a site being reclaimed. The more we can do projects like this, the more the monies can be stretched.
- The Secretary also mentioned her appreciation for the contribution of Fred Wolfe. She felt very lucky to have met Fred.

AML / Title IV Reauthorization Outreach – Susan Wilson

- Susan explained that CAC is working with Mineral Resources Management to schedule a series of 8 roundtable meetings throughout the Commonwealth to seek public input on how the monies can best be spent. The meetings are being scheduled from the end of May through the beginning of June.
- EPCAMR and WPCAMR are putting together some education materials for distribution. Bruce Golden explained that they've put together some video production. This is a user-friendly presentation, addressing a general audience that explains how Title IV works and what its implications are. There is also a duplex sheet of Title IV basics available.
- Susan will share the dates of the meetings with the MRAB once finalized and is requesting the Board assist with reviewing the input that comes from these meetings.
- Rod mentioned that OSM is still working on the rulemaking. The draft rulemaking is to be published in May and will be available for public comment. OSM hopes to have the rulemaking implemented by September 22.
- Dave Strong mentioned the ash comment deadline is May 17.

Committee Reports Continued

- No Regulation, Legislation, and Technical Committee Report – Stan mentioned that the Committee will be working with DEP throughout the year to ensure that the Bond Rate Guidelines are both adequate and accurate.
- No Reclamation Committee Report

MRAB Annual Report

- Dave Strong mentioned that the Board has both last year and this year's Annual Reports to do. Stan volunteered to work on the reports.

Proposed Federal Refuse Remining Rule

- Bill Allen advised that OSM published a rulemaking on the remining of refuse piles for comment. Bill highlighted what he felt were the 4 main points of the rulemaking. It would allow reduced data to be presented in the permit application regarding the probable hydrologic consequences of the refuse remining. The regulations would not routinely require an honoring plan as part of the permit. The rulemaking proposes a reduced liability period for revegetation as well. The Department and IMCC presented comments to OSM on the rulemaking.
- Dave Strong requested an electronic copy of GIS mapping for existing refuse piles. Mike Terretti advised this information was available from the California District Mining Office upon request. This mapping is a work in progress. Dave also asked for the status of the mapping that Joe Schuek had been working on. Dave feels this information would be important in the outreach. Brian advised that this project was not yet completed. Brian was going to check to see what could be done about getting this project completed and available in time for the outreach.

Bond Rate Guidelines (BRG)

- Bruce Carl, DEP provided a Power Point presentation on 2004-2006 grading costs from abandoned mine reclamation contracts and discussed the difference in costs/bids between Bituminous and Anthracite. Bruce also discussed using the lowest bid vs. using the 3 lowest bids. In the preliminary bidding data compiled so far this year, which consists of 3 contracts, looks like the bids are more consistent. If this continues, the Department may consider going to the lowest bid. Bruce shared that the normal amount of bidders per contract in previous years was about 5. This year, for the 3 contracts that have been out for bid, there have been between 10 and 14 bidders.
- Bruce also reviewed current trends. Looking at the grading costs, they are currently remaining within the 2007 BRG's. Fuel costs are going up though, which is not a good sign. Bruce also reviewed a short push vs. a haul. Bruce is staying in touch with the BAMR design engineers to find out, as contracts are awarded, whether they were short pushes or hauls. At this time, for Anthracite, the average short push was bid at \$.95 and the average haul was \$1.15. For Bituminous the average short push was \$.93. There are about 10 contracts to be bid by June, which will provide more data. Bruce will therefore, have more detailed information available by the July meeting.

Annual Remining Incentives Report

- John Meehan reviewed the annual remining incentives report. In 2006, 880 acres were reclaimed using these programs. The Department is awaiting the MRAB's comments to be added to the report as Appendix A so that it can be finalized and submitted to the legislature. Stan has offered to do the first draft and circulate the draft, first to the committee, and then to the full Board for comment. John advised Stan he must to have the MRAB comments by May 15.
- Stan Geary questioned whether or not the GFCC program is being terminated or pared back. Mike Terretti stated that he has not heard further on this.

- Kenneth Yingling questioned whether or not thought was being given to increasing the cap per operator on land reclamation financial guarantees. John Meehan explained that they Department is not, in part due to regulatory requirements and the amount of monies available in the fund. Less than 5% of the company's participating are tapped out.

BAMR Projects/Status Report by Brian Bradley

New Business

- Burt Waite brought up the annual field trip and suggested the Board visit Patel & Winner's demonstration water treatment plant, which is to be running September, October & November of this year. He suggested the Board not have the July field trip, but instead have a one day meeting and tour/explanation of the plant and this new technology. The Board will have a normal July meeting then and the Board will be polled at that time to see what the interest would be in the one-day meeting/tour.

Total Maximum Daily Load and Mine Permit Applications

- Bill Allen, DEP provided a power point presentation and explained to the Board that the Department is actively working on the concept of issuing permits on streams where TMDL's have been completed. Bill said if anyone has any ideas or solutions, the Department would like to hear them. Bill said the Department will meet with operators and interest groups once they have an idea on how this is going to play out.

New Business Continued

- Duane Feagley asked what the status of the Reclamation Fee Regulation was. Bill informed him that based upon the Board's recommendation, there has been a briefing scheduled with the Secretary to determine what the next step is. The same is true for the Mine Opening Blasting package. Chapter 209 is scheduled for the May EQB meeting.

Dave Strong motioned and the meeting was adjourned.