



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

January 28, 2009

Secretary

717-787-2814

David Osikowicz, Chairman  
Mining and Reclamation Advisory Board  
c/o Original Fuels, Inc.  
P.O. Box 343  
Punxsutawney, PA 15767

Dear Mr. Osikowicz:

Thank you for your recent correspondence following-up on former Secretary McGinty's May 19, 2008, letter to the Mining and Reclamation Advisory Board (MRAB). I have reviewed the original letter and also request that the MRAB participate and assist on the matters outlined in the letter.

Secretary McGinty made two specific requests in the letter. First, the MRAB review spending plans for the abandoned mine reclamation program prepared and submitted by the Department of Environmental Protection (DEP). Second, the MRAB provide recommendations on process and program changes related to the selection of abandoned mine land (AML) and acid mine drainage (AMD) projects, *Pennsylvania's Comprehensive Plan for Abandoned Mine Reclamation*. I agree with Secretary McGinty that the MRAB is the appropriate forum through which members of the public can get regular briefings on the Commonwealth's reclamation program and exchange their ideas.

DEP staff will need to provide the MRAB with the knowledge and tools so that the Board can provide the service requested. It is important that the MRAB has an in-depth knowledge of the financial mechanism that supports the AML/AMD program and the budgets that define how the available funding is utilized. Equally important is familiarity with the statutory and regulatory framework that guide DEP's decisions in selecting reclamation projects.

I have asked staff to start providing briefings to the MRAB, for as long as they wish, that will enable an informed and meaningful forum for the exchange of ideas regarding DEP's implementation of the AML/AMD program. DEP looks forward to reviewing any input and recommendations the Board may wish to submit.

Please convey to the MRAB members my appreciation for their willingness to accept the charge of providing advice on the AML program and for the valuable contribution each one makes in carrying out DEP's mission. If you have any questions or comments, please contact Deputy Secretary J. Scott Roberts, Office of Mineral Resources Management, by e-mail at [jayroberts@state.pa.us](mailto:jayroberts@state.pa.us) or by telephone at 717-783-5338.

Sincerely,

  
John Hanger  
Acting Secretary

cc: James Charowsky

**COMMONWEALTH OF PENNSYLVANIA**  
**Department of Environmental Protection**  
**Citizens Advisory Council**  
February 23, 2009  
717-787-4527

**SUBJECT:** CAC – MRAB Representation

**TO:** David Osikowicz  
MRAB Chair

James Charowsky  
MRAB Liaison

**FROM:** Susan M. Wilson  
Executive Director

At its February meeting, the Citizens Advisory Council re-elected Burt Waite and David Strong to serve two-year terms on the Mining and Reclamation Advisory Board (MRAB). In addition, Bernard Hoffnar was elected to serve the remainder of Bruce Tetkoskie's term on the MRAB, which expires in 2010.

If you should have any questions please contact me. Thank you.



February 24, 2009

Mr. Kimery V. Vories (NTTT Team Leader)  
Natural Resources Specialist  
United States Department of the Interior  
Office of Surface Mining  
501 Belle Street  
Alton, IL 62002

Re: Endorsement Letter  
Eastern Pennsylvania Coalition of Abandoned Mine Reclamation (EPCAMR)

Dear Mr. Vories:

The Mining and Reclamation Advisory Board (Board) is charged to assist the Secretary of Pennsylvania's Department of Environmental Protection (DEP) to expend the funds for the purposes provided by this act and to advise the secretary on all matters pertaining to surface coal mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, selection of reclamation projects, alternate reclamation methods, obligations for pre-existing pollution liability, alteration of reclamation loans, reclamation fees and bonding rates and methods.

At the Board's January meeting EPCAMR presented a briefing on their Anthracite Mine Pool Mapping Project which included a computer animated 3-D demonstration of the mine pools of the anthracite western middle field. The Board was quite impressed with the presentation and looks forward to a future presentation when the project is completed.

The Board supports the efforts of EPCAMR in its efforts to address mine drainage and in obtaining grant funding from the Office of Surface Mining to determine the availability (water quantity and water quality) of mine pool water through the digitization of OSM Folios, coal mine maps and mine pool maps GIS using 3-D Modeling for re-use, and to test the methodology of the mapping/modeling for its applicability to national technology transfer to other coal regions in the country.

If you have additional question, please contact James Charowsky by e-mail at [jcharowsky@state.pa.us](mailto:jcharowsky@state.pa.us) or by telephone at 717-787-7007.

Sincerely,

David Osikowicz  
Chairman



February 12, 2009

Mr. George Rieger  
Chief, Pittsburgh Field Division  
Office of Surface Mining Reclamation and Enforcement  
4th and Market Sts., Suite 3C  
Harrisburg, Pennsylvania 17101

Dear Mr. Rieger:

RE: Docket ID: OSM-2008-0021

Comments concerning "Pennsylvania Regulatory Program," 30 CFR Part 938 (PA-153-FOR).

At its regular quarterly meeting on January 21, 2009, the Mining and Reclamation Advisory Board (MRAB), within the Pennsylvania Department of Environmental Protection (DEP), voted unanimously to submit comments regarding the above-referenced program amendment. The Board supports these regulations promulgated in response to a required program revision to ensure that reclamation of all sites bonded under a prior Alternative Bonding System (ABS) will be provided under the approved Pennsylvania Program consistent with Federal regulations at 30 CFR Part 800.

This program change was made necessary by a decision of the 3<sup>rd</sup> Circuit Court of Appeals on August 2, 2007, that requires Pennsylvania to address funding inadequacies of its prior ABS system that left some forfeited post-primacy sites with inadequate assurances for reclamation and treatment of pollutional discharges.

The MRAB began working with DEP to immediately address this problem at its regular meetings and special meetings, suggesting changes to already pending regulations to expedite the process and reviewing several drafts. The Board finally recommended a proposed regulation, since approved as final by the Pennsylvania Environmental Quality Board and the state's Independent Regulatory Review Commission. Interested parties who are represented on the Board had frequent access to legal counsel who participated in the ABS litigation; and follow-up by the Court indicates that the regulatory revisions meet the mandates of its decision and Federal requirements administered through the Office of Surface Mining (OSM).

The revised regulations represent a cooperative effort and acceptance of necessary ongoing financial responsibility by the Commonwealth and the regulated community to bear the burdens of past mining not fully insured by prior operators. This is a continuing effort, as the

Board and DEP will seek even additional sources of future funding to further guarantee successful abatement at ABS sites in the years to come.

The MRAB seeks OSM's approval of this amendment to Pennsylvania's Regulatory Program, with the recognition that it resulted from the outstanding expedited efforts of the Board and the DEP, and the financial responsibility of our current regulated community.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Osikowicz".

David Osikowicz  
Chair