

Executive Summary

Title of Regulation: 25 PA Code, Chapter 86, Section 86.130, Subsection (b)(19) - *Areas Designated as Unsuitable for Mining - Big Run and Willholm Run Watersheds, Graham Township, Clearfield County*

Summary of Proposal - Amendment to Existing Regulation

This regulation proposes to amend 25 PA Code, Section 86.130 to add subsection (b)(19), designating the surface mineable reserves of the Mercer, Lower Kittanning, and Clarion coals within the Big Run and Willholm Run watersheds as areas unsuitable for surface mining operations. The regulation is the result of a comprehensive technical evaluation, which was initiated by a formal petition that an area within the Big Run and Willholm Run drainage basin be designated as unsuitable for mining operations. The petition was submitted by Graham Township (Clearfield County).

The Department's key technical findings are as follows:

- Mining has created acid discharges and seeps within the Big Run/Willholm Run petition area and surrounding study area.
- Overburden data show no significant calcium carbonate and neutralization potential associated with the Lower Kittanning Coal seams.
- Local mining data shows that drainage related to the extraction of the Lower Kittanning Coal is acidic with low pH and, high concentrations of sulfate and metals.
- Existing discharges are associated with the mining of more than one coal and are characterized by low pH and high sulfate, aluminum, iron, and manganese.
- Big Run is a lightly-buffered stream – this makes it sensitive to any additional inputs of acid mine drainage (AMD). Additional mining could degrade the quality of this stream.

Purpose of the Proposal

The purpose of the proposed regulation is primarily to protect the quality of surface water and groundwater in the Big Run and Willholm Run watersheds by declaring the coals in that area as “unsuitable for surface mining operations. Graham Township filed the petition for this designation for these watersheds due to the concern that surface mining in the petition area would have an adverse effect on potential water supplies.

Affected Parties

The proposed regulation would affect the following sets of parties: *1) all persons who have mineral rights within the designated area and, all coal operators who may be interested in conducting surface mining operations on the identified coal seams (there are 130 licensed bituminous surface coal mine operators in Pennsylvania); and 2) residents within the Big Run and Willholm Run watersheds in Graham Township Clearfield County, PA (1,240 persons) and, within all of Clearfield County (81,645 persons), along with tens of thousands of additional persons who may visit the Big Run and Willholm Run watershed areas periodically.*

An economic assessment was performed for the three Clarion Coal seams identified within the designated area – the seams for the Lower Kittanning and Mercer Coals were found to be discontinuous within the designated area. The remaining estimated reserves within the area are as follows: Clarion #1: 275 acres; Clarion #2: 568 acres; and Clarion #3: 400 acres. The estimated mineable reserves total 1,243 acres, representing over 2.7 million tons of coal. Mining of this resource would provide an estimated 320 man-years of direct employment, along with an estimated 640 man-years of both direct and indirect service employment. The coal is valued at \$170 million and lost royalties are calculated at \$9.84 million.

The reserve estimates are maximized by assuming persistent coal seams of uniform thickness. The estimated monetary and employment impacts assume that the coal reserves would be approved for mining through the normal permit application review process if the area were not designated unsuitable for mining. However, the high potential of these coal seams for causing pollution makes it highly unlikely that the Department would issue permits for surface mining on the coal seams.

The residents within, and visitors to, the Big Run and Willholm Run watersheds, along with all Clearfield County residents will benefit from the regulatory proposal through continued fishing and hunting opportunities, along with the overall enjoyment of the aesthetics of the Big Run Park, a 4-acre natural area that is managed by Graham Township. Additionally, residents of Graham Township could obtain a future benefit from the development of an additional water supply from the Big Run and Willholm Run watersheds (if necessary).

Advisory Committee Involvement

The Mining and Reclamation Advisory Board (MRAB) will consider the regulatory proposal during its April 23rd, 2015 meeting.

Deadline for Adoption of the Regulation

This is not applicable to the regulatory proposal.

Public Participation

There has been previous public participation regarding the regulatory proposal. Notification of the receipt and acceptance of the petition was made to persons with known mineral ownership, surface ownership, and other interested parties in February 2005. Notification to the general public was made on February 24, 2005 and March 3, 2005 in the *Progress* newspaper, Clearfield, Pennsylvania and, in the *Pennsylvania Bulletin* on February 25, 2005 (PA B. Do. No. 05-365). On February 22, 2008, local landowners were notified by mail of an opportunity to provide comments on the petition at a public hearing. The hearing was held on March 27, 2008 at the Morris Township Recreation Building, 1109 Deer Creek Road, Morris Township, Clearfield County, Pennsylvania.

For the current regulatory proposal, a 30-day public comment period is recommended.

Recommendation

The Department recommends that the surface mineable coal reserves of the Lower Kittanning, Clarion and Mercer coals in the Big Run/Willholm Run watershed area be proposed for designation as unsuitable for surface mining.