

DRAFT

MINING AND RECLAMATION ADVISORY BOARD (BOARD)

Thursday, January 5, 2006

10:00 A.M.

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

Members/Alternates in attendance: David Osikowicz (Chair), Mark Snyder (Vice Chair), George Ellis (Alternate), Richard Fox (Alternate), Burt Waite (Member), David Strong (Member), Bruce Tetkoskie (Alternate), Edward Helfrick, Jr. (Member), Duane Feagley (Alternate), Jack Chamberlin (Member), Stan Geary (Alternate), Sue Germanio (Alternate), David Mankamyer (Member), Susan Wilson (Member), and Walter Heine (Member).

Others in attendance: Jim Charowsky (DEP), Mike Terretti (DEP), Joe Pizarchik (DEP), Jeff Kost (Game Commission), Richard Morrison (DEP), Marc Roda (DEP), John Meehan (DEP), Joe Schueck (DEP), Curtis Kratz (Penn E & R), George Rieger (OSM), Bruce Golden (WPCAMR), Dan Brauning (Game Commission), Brian Bradley (DEP), Bruce Carl (DEP), Patricia Davenport (DEP), Bill Allen (DEP) and Lara Logan (DEP).

Meeting Called to Order

Chairman David Osikowicz called the meeting to order at 10:00 a.m. He welcomed everyone and asked them to introduce themselves. Burt Waite moved to approve the minutes as presented. Walter Heine seconded the motion. Stan Geary requested an update be made to his comments on page 2. There were no objections, therefore the minutes will be updated and voted on at April's meeting.

Correspondence

The Board was not in receipt of any correspondence.

Committee Reports

- No Policy Committee report.
- No Regulation, Legislation and Technical Committee report.
- No Reclamation Committee report.

Promoting Grasslands as a Reclamation Practice

- Dan Brauning, Wildlife Biologist, PA Game Commission, spoke and gave a presentation on using grasslands to reclaim surface mining in Pennsylvania. They are specifically targeting nine counties in the western part of the state. He explained that there has been a sharp decline of native grassland habitat that has resulted in the severe decline of some

species of native grassland birds. It is believed that the reclaiming of large surface mines with grasslands in areas that meet conditions to create the appropriate habitat, would contribute to conservation initiatives and bring native species back into these areas. They are concentrating on areas that have a 'prairie view' and would result in total grassland area of 75 acres or greater.

Storage Tanks on Coal Mining Permits Update

- Bill Allen, DEP, provided an update on the proposed technical guidance document (TGD) for regulation of above ground storage tanks located on permitted coal mine sites. The TGD is being put into the Departments internal comment period within the next couple of weeks. The form of the TGD is very much like that presented at last meeting with a few revisions having been made as a result of Stan's comments at the October meeting.
- Mark Snyder had a question about secondary container requirements. Bill is to find the answer and update the TGD appropriately. Portability of tanks was raised as a possible issue as well.

Update on Grower Greener 2 Remining

- Joe Pizarchik, DEP provided an update on the two components currently being looked at. These are replicating the SOAP Program through developing a list of priority 1 & 2 sites as well as sites with existing post-mining discharges. The Department has solicited information from the DMO's to assist in identifying possible sites. The Department will be meeting with the DMO's in January to provide a better understanding of the process and how it will work. BAMR has provided a listing of priority 1 & 2 sites, BMR staff is currently reviewing this listing. The lists will be made available to industry and will be available at the DMO's. The Department is currently trying to obtain Grower Greener 2 funds to supplement existing SOAP monies and get some projects off the ground.
- Bill Allen and Joe Pizarchik, DEP, provided an update on using Grower Greener 2 monies on GFCC's sites and the administrative changes involved in the multiple contract approval process. BMR is currently working with DMO's to estimate the amount of monies required to fund the program. With this program the state requirements will be a factor, i.e. prevailing wage, etc. This is not a grant program but a contract for services.

BAMR Proposal Update

- Joe Schueck, DEP, provided updates from the Orphan Mine Drainage Task Force and reviewed contract recipients.
- Mr. Schueck also mentioned an unsolicited proposal that was received. The proposal involves the use of a process called liquid liquid extraction. They are confident with this process, and selling the resulting metals, they can bring the price of treating acid mine

drainage down to between a penny and a nickel per thousand gallons. If successful this process will revolutionize the way we currently do things in Pennsylvania.

- Dave Strong expressed concern from the committee, as Joe is getting ready to leave. The Board doesn't have a concrete plan for continuing the work he's been doing, who is going to be handling it moving forward, or direction for the funding of it. He requested direction from the Department on promoting this work in the future after Mr. Schueck moves on. He doesn't want progress to be lost due to the loss of key personnel, as this type work can be difficult to transfer.

Mine Opening Blasting Regulation Update

- Joe Pizarchik, DEP, provided an update on the proposed Mine Opening Blasting Regulations. DEP personnel met with members of the PCA and were unable to work out differences in language. The package is currently continuing through the internal review process. It should be scheduled for presentation to the EQB as proposed rulemaking this spring. The Department has added to the preamble a summary of the positions and votes taken by the MRAB. After the Department receives and evaluates the public comments, it will bring the final regulation back to the MRAB.

Evaluation of Conventional Bonding Shortfalls

- Bill Allen, DEP, provided a presentation outlining the preliminary results of a study of conventional bonding forfeitures. The eight forfeited conventional bond sites were reviewed and feedback requested by the Department. Mr. Allen mentioned several program fine-tuning ideas on which DEP is seeking input from the Board.
- The Regulations, Legislation & Technical Committee will meet to discuss potential fine-tuning options and will follow-up with the full Board at its next meeting.

Key Obligation – The Department is to finalize their report on the Evaluation of Conventional Bonding and provide a copy to all board members prior to next meeting

2004-2005 MRAB Annual Report

Chairman Osikowicz requested, on behalf of Susan Germanio, that anyone having suggestions for changes to the 2004-2005 MRAB Annual Report contact Jim Charowsky within 30 days. If no updates are received, the report will go to press as is.

Blanket Bond Program Update

- Joe Pizarchik, DEP, provided an update on the Blanket Bond Program and the funding for system enhancements. In December, it was learned that the monies for this program are coming from a legislative initiative. The draft TGD explaining how the program is going to work is pretty much finalized. The Department is working to get the draft out for comment while the system enhancements are also being worked on. The forms that

are to be used are also being finalized. The test pilot model run in Greensburg went well and will be used. Training is going to be provided to staff on the process. This program should be in place later this year and the Department should be able to begin accepting operators into the program and issuing bonds the second half of the year. This is going to be an electronic process.

- The Department will confirm with the Board when system enhancements have been completed, forms finalized, and the Blanket Bond Program made available on-line.

BAMR Projects/Status Report

- Brian Bradley reported on the status of BAMR projects over the last quarter.
- Walter Heine requested a letter from the MRAB be forwarded to Congress about less monies coming to Pennsylvania from OSM Grants. Jim Charowsky also mentioned the elimination of SOAP funding from OSM as of 2006.

Key Obligation – Department staff is to compose a letter for review by the Board.

New Business

- The Chair requested suggestions for the field trip in July be given to Mr. Charowsky
- Joe Pizarchik mentioned the July 5 and 6 meeting dates and asked if the Board wanted to have it held then, in light of the July 4th holiday. The Chair requested this discussion be placed on the agenda for the April meeting as this is prime vacation time.
- Dave Strong – Requested BARCAMP update so report can be issued
- Dave Strong mentioned some new changes in Waste Regulations. He's trying to garner further information
- Growing Greener questions from WPCAMR – A concern is the new DEP policy containing a 5% cash match requirement for Growing Greener 1 & 2 Project Applications; the feeling was this is not in the Departments best interest, as this may take watersheds groups out of the reclamation business–Dave Strong to investigate further with the Deputy Secretary and report back to the board. The application deadline is March 2006.