

**EXHIBITS**

Commonwealth of Pennsylvania  
Environmental Resources  
March 3, 1992

**Subject:** Authority to Conduct An Abandoned  
Mine Land Reclamation Program

**To:** Richard Bielicki  
Director  
Bureau of Abandoned Mine Land Reclamation

**From:** Virginia Davison *(VJD)*  
Assistant Counsel  
Bureau of Legal Services

This office has been asked for an opinion concerning the authority of the Department of Environmental Resources to establish, administer and conduct a program for Reclamation of Abandoned Mine sites in accordance with Title IV of the Surface Mining Control and Reclamation Act of 1977, Act of August 3, 1977, P.L. 95-87, 91 Stat. 445, 30 USC §1201 et seq., as amended ("SMCRA").

In the opinion of this office, the Department of Environmental Resources is so authorized. This authority comes from the following Pennsylvania laws: The Land and Water Conservation and Reclamation Act, Act of January 19, 1968, P.L. 966 (1967), No. 443 as amended, 32 P.S. §5101 et seq.; The Act of May 7, 1935, P.L. 141, 52 P.S. §809 et seq.; The Coal Mine Sealing Act of 1947, Act of June 30, 1947, P.L. 1177, as amended, 52 P.S. §28.1 et seq.; The Act of April 3, 1968, P.L. 92, No. 42, 52 P.S. §30.201 et seq.; The Act of July 19, 1965, No. 117, as amended, 52 P.S. §30.101 et seq.; The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq.; and the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, Section 1915-A, 71 P.S. §510-15.

The Commonwealth has also made specific arrangements so that it can effect the provisions of 30 USC §1232(g)(6), which allows states to set aside ten percent (10%) of their total annual grants for use in acid mine drainage and treatment without regard to the statute's general three-year limitation on expenditure of grant monies.

In accordance with the requirements of Section 1232(g)(7), the Commonwealth has created the Acid Mine Drainage Abatement and Treatment Fund, a separate and distinct special revenue fund in the Commonwealth's treasury. Revenues in that fund will consist only of the set-asides of up to ten percent (10%) of the annual grants made by the Office of Surface Mining to Pennsylvania for abandoned mine reclamation and all the interest earned on such amounts.

Expenditures from the Fund will be limited to implementation of the approved acid mine drainage abatement and treatment plan.

DEPARTMENT OF ENVIRONMENTAL RESOURCES

EXHIBIT 5

Bonds & Commissions

Environmental  
Hearing Board  
Citizens Advisory  
Council

Office of Chief Counsel  
CMA Council

SECRETARY

Office of the Budget  
Comptroller

Office of Policy

Deputy for Public Liaison

Environmental Quality Board  
Coal and City Mine Subsidies  
Insurance Board  
State Board for Certification of Sewage  
Treatment Plant and Waterworks  
Operators  
State Board for Certification of Sewage  
Enforcement Officers  
State Conservation Commission  
Water Facilities Loan Board

DEPUTY SECRETARY FOR  
MANAGEMENT AND  
TECHNICAL SERVICES

Affirmative Action  
Engineering & Contract Manage-  
ment  
Management Services  
Construction Management  
Publications  
Bureau of Information Resources  
Management

Divisions:  
Planning & Analysis  
End User Support  
Systems Development  
Operations  
Bureau of Personnel

Divisions:  
Classification & Pay  
Placement & Recruitment  
Employee Relations & Safety  
Systems  
Training & Development  
Bureau of Fiscal Management

Divisions:  
Budget Analysis for Environmental  
Protection  
Budget Analysis for Administration  
and Resources Management  
Special Projects  
Bureau of Office Systems and  
Services

Divisions:  
Office of Support Services  
Materials Management  
Office Systems & World Processing  
Bureau of Laboratories

Divisions:  
Organic Chemistry & Radiation  
Measurement  
Inorganic Chemistry & Biological  
Services

DEPUTY SECRETARY FOR  
AIR AND WASTE  
MANAGEMENT

Bureau of Air Quality Control  
Divisions:  
Air Resource Management  
Technical Services & Monitoring  
Abatement & Compliance  
Bureau of Waste Management

Divisions:  
State Superfund Project  
Enforcement  
Special Investigators  
Permits  
Waste Minimization & Planning  
Bureau of Radiation Protection

Divisions:  
Radiation Control  
Environmental Radiation  
Nuclear Safety  
Radon

DEPUTY SECRETARY FOR  
WATER MANAGEMENT

Bureau of Community Environ-  
mental Control  
Divisions:  
Public Facilities Management  
Drinking Water Management  
Bureau of Water Resources  
Management

Divisions:  
State Water Plan  
Coastal Zone Management  
Scenic Rivers  
Bureau of Water Quality  
Management

Divisions:  
Water Quality  
Permits & Compliance  
Storage Tanks  
Municipal Facilities & Grants  
Bureau of Soil and Water  
Conservation

Divisions:  
Conservation Districts  
Chesapeake Bay & Agricultural  
Nonpoint Source Programs  
Bureau of Dams and Waterway  
Management

Divisions:  
Dam Safety  
Waterways & Storm Water  
Management  
Bureau of Water Projects

Divisions:  
Project Development  
Project Design  
Stream Improvements

DEPUTY SECRETARY FOR  
MINERAL RESOURCES  
MANAGEMENT

Bureau of Mining and  
Reclamation  
Divisions:  
Permits  
Environmental Analysis & Support  
Monitoring & Compliance  
Bureau of Abandoned Mine  
Reclamation

Divisions:  
Acid Mine Drainage Abatement  
Mine Hazards  
Bureau of Deep Mine Safety

Divisions:  
Field Operations  
Program Development and  
Technical Services  
Bureau of Oil and Gas  
Management

Divisions:  
Subsurface Activities  
Surface Activities  
Enforcement & Administration

DEPUTY SECRETARY FOR  
FIELD OPERATIONS

Emergency Response  
District Mining Operations  
Regional Offices:  
Conshohocken  
Wilkes-Barre  
Harrisburg  
Williamsport  
Pittsburgh  
Meadville

DEPUTY SECRETARY FOR  
STATE PARKS  
AND FORESTRY

Bureau of Forestry  
Divisions:  
Forest Management  
Forest Fire Protection  
Forest Advisory Services  
Forest Pest Management  
Bureau of State Parks

Divisions:  
Park Operation  
Park Maintenance  
Park Administration  
Bureau of Topographic and  
Geologic Survey

Divisions:  
Geologic Mapping  
Mineral Resources  
Oil & Gas Geology  
Environmental Geology

**EXHIBIT 11A**

**PUBLIC PARTICIPATION IN PARTS D AND E OF THE**

**RECLAMATION PLAN (AMENDMENT NO. 1)**

November 4, 1991

See Attached List

Dear:

Enclosed for your information, review and comments is a summary of the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508.

We are proposing to amend Pennsylvania's Abandoned Mine Reclamation Plan so that we can implement four new initiatives as defined in the Legislation. The first initiative (3d) involves reclaiming high priority bond forfeiture sites where mining occurred between August 3, 1977 and July 30, 1982. The second initiative (3d) involves reclaiming high priority bond forfeiture sites where the surety went bankrupt and mining occurred between August 3, 1977 and September 30, 1990. The third initiative (3f and 3g) involves setting aside 10 percent of our total grants each fiscal year to establish an acid mine drainage abatement and treatment fund. The fourth initiative (3i) allows up to 30 percent of grant funds each year to be used for water supply replacement.

We will prepare the reclamation plan amendment and submit it to OSM within the next one to two months. Your comments and input on these program initiatives, while we are preparing the amendment, would be appreciated.

Please direct any questions or comments to Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Enclosure

cc: Bielicki w/att  
Ferko w/att  
Meyers w/att

 RGW  
for  
RJB/AEF/baw

Harry Barnett, District Manager  
Allegheny County Conservation District  
208 Acacia Building  
875 Greentree Road  
Pittsburgh, PA 15220

Vicky Michaels, District Manager  
Beaver County Conservation District  
P.O. Box 40  
Beaver, PA 15009

Donna Fisher, District Manager  
Blair County Conservation District  
1407 Blair Street  
Hollidaysburg, PA 16648

Michael Lovegreen, District Manager  
Bradford County Conservation District  
Stoll Natural Resource Center  
R.R. #5, Box 5030-C  
Towanda, PA 18848

Clair J. Duma, District Manager  
Cambria County Conservation District  
P.O. Box 187  
Ebensburg, PA 15931

Paula I. Barner, District Manager  
Cameron County Conservation District  
2nd Floor, Courthouse  
Emporium, PA 15834

James J. Clauser, District Manager  
Carbon County Conservation District  
P.O. Box 346, R.D. #6  
Lehighton, PA 18235

Kathleen Shoop, District Manager  
Clarion County Conservation District  
P.O. Box 468  
Mayfield Professional Building  
Clarion, PA 16214

Tamee Graham, District Manager  
Clearfield County Conservation District  
650 Leonard Street  
Clearfield, PA 16830

Sue Foust, District Manager  
Clinton County Conservation District  
2 State Route 150  
Mill Hall, PA 17751-1631

Maryruth Wagner, District Manager  
Columbia County Conservation District  
1127 A Old Berwick Road  
Bloomsburg, PA 17815

Lynn Sandieson, District Manager  
Crawford County Conservation District  
154 Park Avenue Plaza  
Meadville, PA 16335

John Orr, District Manager  
Dauphin County Conservation District  
1451 Peters Mountain Road  
Dauphin, PA 17018

Thelma Adams, District Manager  
Fayette County Conservation District  
253 S. Mt. Vernon Avenue  
Uniontown, PA 15401

Tim Moss, District Manager  
Fulton County Conservation District  
216 North 2nd Street  
McConnellsburg, PA 17233

Steve Coss, District Manager  
Greene County Conservation District  
60 W. High Street  
Waynesburg, PA 15370

Andy Patterson, District Manager  
Huntingdon County Conservation District  
902 Pennsylvania Avenue  
Huntingdon, PA 16652

Joanne McCready, District Manager  
Lawrence County Conservation District  
County Courthouse  
New Castle, PA 16101

Charles Wertz, District Manager  
Lebanon County Conservation District  
Suite 5  
2120 Cornwall Road  
Lebanon, PA 17042-9788

Tom Corbett, District Manager  
Lycoming County Conservation District  
240 W. Third Street  
P.O. Box 68  
Williamsport, PA 17703

James Mondok, District Manager  
Mercer County Conservation District  
R.D. #2, Box 2055  
Mercer, PA 16137

Dave Moratelli, District Manager  
Northumberland County Conservation District  
R.D. #3, Box 238-C  
Sunbury, PA 17801

Pat Snyder, District Manager  
Potter County Conservation District  
R.D. #3, Box 107-A Maple View  
Coudersport, PA 16915

Craig Morgan, District Manager  
Schuylkill County Conservation District  
Fairlane Village Mall  
Route 61 North  
Pottsville, PA 17901

David A. Steele, District Manager  
Somerset County Conservation District  
R.D. #5, Box 359  
Somerset, PA 15501

Jacquelyn Rouse, District Manager  
Sullivan County Conservation District  
R.R. 4181  
Dushore, PA 18614

Lillian Theophanis, District Manager  
Susquehanna County Conservation District  
County Office Building  
31 Public Avenue  
Montrose, PA 18801



Ralph Brugger, District Manager  
Tioga County Conservation District  
5 East Avenue  
Wellsboro, PA 16901

Gary Stokum, District Manager  
Washington County Conservation District  
602 Courthouse Square  
Washington, PA 15301

Gregory Phillips, District Manager  
Westmoreland County Conservation District  
932 St. Clair Way  
Route 30 East  
Greensburg, PA 15601

Kaye Long, District Manager  
Wyoming County Conservation District  
Tri-County Office Building  
R.D. 43  
Tunkhannock, PA 18657

Ernest Keller, District Manager  
Lackawanna County Conservation District  
600 S. State St.  
Clarks Summit, PA 18411

Bob Yonker, District Manager  
Luzerne County Conservation District  
Courthouse Annex  
5 Water Street  
Wilkes-Barre, PA 18711

## NEW TITLE IV INITIATIVES

- as a result of the -

### FY-91 OMNIBUS Budget Reconciliation Bill, PL 101-508

1. Extends fee collections from the active coal mining industry through September 30, 1995. There is projected to be a \$600 million balance in the fund at that time and appropriations for grants to states could continue for another 3 years. Pennsylvania operators have payed approximately \$245 million into the fund through federal FY 1990. Total return to Pennsylvania has been over \$420 million or 172%.
2. Provide for interest credited to the Fund. That portion of the fund not necessary to meet current withdrawls will be invested by the Secretary of Treasury in public debt securities with interest credited to the Fund. Annual collections total about \$250 million. Interest should add \$40 to \$50 million each year.
3. Changes the allocation of Funds.
  - a. Still provides for a 50% return to the state where mining occurred.
  - b. Provides that 20% of the Secretary's Discretionary share be allocated to the Secretary of Agriculture for the RAMP program.
  - c. Provides Funds to OSM for:
    - . SOAP grants
    - . Emergency construction
    - . Federal AML projects in non-primacy states
    - . Administration of the program
  - d. Provides funds for reclamation of high priority bond forfeiture sites where mining occurred after August 3, 1977: up to the date Pa received Primacy (July 30, 1982); or, up to September 30, 1990 if the Surety of the forfeiting operator went bankrupt. All bond proceeds must be used for site reclamation. Priority is given to sites in the vicinity of a residential area or which have an adverse economic impact on the area. Federal Civil Penalty collections can be used to provide supplemental funds.

It is not clear whether there will be a special grant for this purpose of if amounts can be set aside from the annual construction grant.
  - e. Provides that 40% of the Secretary's Discretionary share be allocated to states for reclamation of high priority Inventory sites. Allocation to be based upon the historical production formula. (Using this formula Pennsylvania has been receiving approx 40% of available funds).

- f. Allows 10% of total grants from "a" and "e" to be deposited within an interest bearing account for use after September 30, 1995, or, for use in acid mine drainage abatement and treatment.
- g. The AMD fund allows for expenditures, in consultation with SCS, for AMD abatement and treatment plans approved by OSM for qualified hydrologic units affected by coal mining practices.

- . qualified hydrologic unit means eligible mining sites where AMD significantly affects water quality and adversely impacts biological resources; and, where the state proposes other expenditures (from forfeitures, fines, penalties, other) for AMD mitigation.
- . a plan must be prepared to: identify the qualified hydrologic unit; show AMD impact; identify sources of AMD; denote individual projects and measures to abate and treat AMD; cost of the proposed work; identify existing and proposed sources of funds; analyze the cost effectiveness and environmental benefits of the work.

OSM shall consult with the USBM to obtain comments on the Plan. Priority will be given to Plans which coordinate with SCS measures under the RAMP program.

- h. A minimum of \$2 million shall be allocated to each state where high priority reclamation work remains.
  - i. Allows up to 30% of grants from "a" and "e" to be used for water supplies adversely affected by coal mining practices as long as the adverse effects occurred predominantly prior to August 3, 1977.
- 4. Requires that the Inventory of high priority sites be maintained by the states and OSM.
  - 5. Exempts states from liability under any provision of Federal law for costs or damages as a result of action taken or omitted in AML reclamation except for gross negligence or intentional misconduct.

December 13, 1991

Jo Ellen Litz, Co-Chair  
Frank Meiser, Co-Chair  
Citizens Coordinating for Clean Water  
"A Swatara Watershed Alliance"  
2501 Cumberland Street  
Lebanon, PA 17042

Dear Ms. Litz and Mr. Meiser:

Thank you for your recent letter as representatives of CCCW for the Swatara Creek watershed. The Department is working on an amendment to our federally approved Reclamation Plan, as denoted within the correspondence you attached from Director Snyder. This amendment will address the new initiatives in abandoned mine reclamation work made possible by the Abandoned Mine Reclamation Act of 1990.

Public comments to the amendment will be sought throughout the Commonwealth through public meetings and announcements. Your comments would be appreciated.

We will consider all AMD impacted watersheds throughout the coal mining regions for designation as qualified hydrologic units. As you have requested, the Swatara Creek watershed will be one of those that will be considered. We will keep you apprised of any final decisions which effect the Swatara Creek's designation as a qualified hydrologic unit.

Sincerely,

Terry R. Fabian  
Deputy Secretary  
for Mineral Resources Management

TRF/RJB/hds

cc: T. R. Fabian - log date 911205  
R. J. Bielicki

MINERAL RESOURCES MANAGEMENT

Logged Letter

TO: BAMR

LOG DATE: 9/12/05

DUE DATE: 9/12/06

LOG NAME: [Signature]

ACTION REQUESTED

Respond for Fabian signature

DRAFT response for Fabian signature

Respond direct

DRAFT response for Bureau Director's signature

Respond for other ( ) signature

DRAFT response for other ( ) signature

Provide comments

Other: \_\_\_\_\_

CITIZENS COORDINATING FOR CLEAN WATER  
"A Swatara Watershed Alliance"

November 20, 1991

Mr. Terry Fabian, DER Deputy Secretary  
Harrisburg PA

Dear Sir:

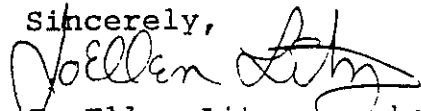
It has been several months since you graciously granted CCCW an interview. Enclosed please find a follow-up letter from Harry Snyder, Director of the US Department of Interior, forwarded by Congressman Walker.

Per page 2, CCCW would appreciate any opportunity to comment on the proposed reclamation plan amendment. If this letter is appropriate, in addition to back-filling and reseeding of formerly mined areas established by Operation Scarlift, may we suggest that water contaminated with acid mine drainage be dropped onto high-calcium which could prove both cost-effective and efficient in clean up?

CCCW would also request that the Swatara Creek watershed be considered for designation as a qualified hydrologic unit.

cc: Governor Casey  
Sec. Davis  
Dep. Sec. Grace  
Proj. Dir. Trovel  
Sen. Brightbill  
Rep. Krebs  
Rep. Arnold

Sincerely,

  
Jo Ellen Litz, co-chair

  
Frank Meiser, co-chair



# United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

WASHINGTON, D.C. 20240



OCT 30 1991

Honorable Robert S. Walker  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Walker:

Thank you for your letter of October 4, 1991, to Manuel Lujan, Jr., Secretary of the Department of the Interior, written on behalf of Jo Ellen Litz and Frank Meiser. Your letter has been forwarded to the Office of Surface Mining Reclamation and Enforcement (OSM) for response. Ms. Litz and Mr. Meiser are supporting the expenditure of funds authorized under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) for the restoration of waters degraded by drainage from abandoned mine lands. Their specific interest is in the Swatara Creek watershed.

In Pennsylvania, the Department of Environmental Resources (PADER) has primary responsibility for administering the Abandoned Mine Land (AML) reclamation program under Title IV of SMCRA. OSM awards grants annually to States from the abandoned mine land fund to conduct reclamation as authorized under SMCRA. Ms. Litz and Mr. Meiser have already contacted PADER's Deputy Secretary for Mineral Resources Management, Mr. Terry Fabian. As Mr. Fabian advised, funds granted to Pennsylvania through the AML program have historically been directed at the highest priority AML program sites defined in SMCRA as those adversely affecting public health and safety. Watershed and water quality restoration projects under the Act have been classified as the next priority, environmental improvement, unless a public health and safety impact is directly related to the site.

The Abandoned Mine Reclamation Act of 1990, effective October 1, 1991, made several significant additions and modifications to SMCRA regarding the use of Title IV funds. This Act contains a provision for States to set aside up to 10 percent of their yearly AML grants in separate interest bearing accounts to implement plans for acid mine drainage abatement and treatment. These plans may provide for the comprehensive abatement of the causes and treatment of the effects of acid mine drainage on watershed areas qualifying for designation as hydrologic units affected by coal mining practices.

Honorable Robert S. Walker

2

The Department of Environmental Resources is currently working on an amendment to the State AML Reclamation Plan needed to implement the provisions of the new legislation. Ms. Litz and Mr. Meiser may wish to contact PADER to determine opportunities for comment on the proposed reclamation plan amendment and also request that the Swatara Creek watershed be considered for designation as a qualified hydrologic unit. After receiving such a designation, the watershed would be reviewed for priority ranking against all qualified hydrologic units in the Commonwealth. The legislation provides that AML set aside funds may be used to implement abatement and treatment plans on these areas.

Again, thank you for your interest in the Abandoned Mine Land program. Please contact me if you have additional questions.

Sincerely,

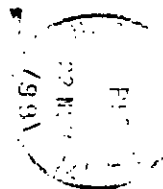
/s/ Harry M. Snyder

Harry M. Snyder  
Director



2501 Cumberland Street  
LEBANON, PENNSYLVANIA 17042  
(717) 274-1175

Mr Terry Jackson  
Deputy Secretary  
13 Hill Road, Fullon Rd  
PO Box 3063  
Harrisburg PA





**Beaver County Conservation District**

P. O. Box 40 - Beaver, PA 15009 - Phone (412) 774-7090

November 15, 1991

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation  
P.O. Box 1647  
Harrisburg, PA 17105-1467

Ref: Your letter of 11/4/91

Dear Mr. Bielicki:

The Beaver County Conservation District's main interest has always been to see that the moneys collected be expeditiously utilized for the purpose intended in the original legislation.

After reviewing the five new initiatives planned we would support their intent.

Sincerely,

Vicky Michaels  
District Manager

December 16, 1991

Gary Stokum, District Manager  
Washington County Conservation District  
602 Courthouse Square  
100 West Bear Street  
Washington, PA 15301

Dear Mr. Stokum:

This letter is in reply to your November 13, 1991 letter concerning five potential project sites in Washington County. In that letter you suggested that those sites might qualify for funding under the new initiatives which are a result of the FY 91 Budget Reconciliation Bill, P.L. 101-508.

The first site is a bond forfeiture site, Etna Equipment and Supply Company, CN 85-50, northwest of the town of Richeyville. Since the date of last mining was in 1983 this project does not qualify for OSM funding under the old criteria. It also does not presently qualify under the new initiative which allows the funding of bond forfeiture projects where the date of last mining was before July 30, 1982. We are contesting OSM's interpretation on this matter. However, it does qualify for state bond forfeiture funding. This project is on the bond forfeiture project site list as a Priority II, non-primacy site. However, with the large amount of sites on that list, it will be quite some time before this project can be funded with state bond forfeiture funds.

The Vesta No. 6 project, PA 4756, qualifies for OSM funding, but is currently on hold because of property owner problems. The new owners are negotiating to have the pile reprocessed and will not agree to a reclamation project until the outcome of those negotiations are known. There is also a problem with the site being possibly used as a municipal waste disposal site. We are currently obtaining information on the municipal waste problem from Centerville Borough. After the property owner problems are resolved, we will consider this project for funding.

The other three sites are in PA 0657, PA 1443 and PA 1571. We have not investigated these sites since they have been considered OSM Priority III discharges and we have not addressed Priority III problems under our OSM program to date. However, they may qualify under the new OSM funded AMD initiative. After the new AMD initiative is approved by OSM, these sites can be considered for funding along with the many other AMD sites in the State.

Mr. Gary Stokum

-2-

December 16, 1991

Thank you for your comments and continued support for our program. Should you have any questions concerning the above, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

cc: Bielicki  
Chuck Meyers  
Bob Watts

EJB/AET/baw

*[Handwritten initials: EJB, AET, baw]*



## Washington County Conservation District

602 Courthouse Square • 100 West Beau Street  
Washington, PA 15301  
Phone 412-228-6774

November 13, 1991

Mr. Richard Joyce  
DER Bureau of Abandoned Mine Reclamation  
OSM Management Section  
PO Box 1467  
Harrisburg, PA 17105-1467

Dear Mr. Joyce:

Recently, I received a letter from Mr. Richard Bielicki that gave a brief overview of the Title IV Abandoned Mine Lands initiatives, which are a result of the FY 91 Budget Reconciliation Bill, P.L. 101-508. Mr. Bielicki was kind enough to allow us to comment on the reclamation plan amendment that your office must submit soon to OSM.

There are four sites out of many that I would like to suggest to you for reclamation under this amended plan. The first site is a land forfeiture site northwest of the town of Richeyville, in Washington County. I do not have a site number since the overlays that your bureau provided me with. I have enclosed a USGS topographic map location of the site. The landowner is Lewis Baher. His son has in past years expressed interest in the Landowner Reclamation Program. I can assure you that our Conservation District will never agree to nor be part of a Landowner Reclamation Project at this particular site. Without our participation, the possibility of this site being reclaimed under that program is non-existent. I ask, therefore, that you reclaim the site through the Bond Forfeiture program or through item 3b of the new Title IV Initiatives (I have enclosed a copy).

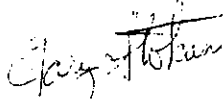
This particular site outside of Richeyville is discharging a tremendous amount of heavy metals to our only approved trout waters in Eastern Washington County. It is adversely affecting Pike Run as a trout stream. The site also has a sever high wall that is in close proximity to both the town of Richeyville and Beallsville, which are residential areas. Please strongly consider this site for reclamation soon. I fear that if it is not cleaned up, we will lose a very valuable trout stream or some young child will lose their life.

The other three sites are PA 1571 and PA 1443 on the Avella USGS Quadrangle and PA 0657 on the Midway USGS Quadrangle. These sites are almost entirely water quality problems. These three sites constitute the largest AMD sources in our county. They have completely destroyed Raccoon Creek in our county and in Beaver County. Treatment of these discharges would greatly improve the economic possibilities of this area since this area could receive a great deal of development as a result of the expansion of the Pittsburgh International Airport and proposed new highway systems that our own Senator Stout is working on. Reduction or abatement of these sites could really help the economy in this depressed area.

There is one more site that I would like to suggest. Site PA 4756 on the California USGS Quadrangle is a site that we have always suggested to your bureau. This site presents a constant danger to the residents of the town of Vesta 6. Sediment from the erosion of the extremely steep coal waste piles continually blocks the drainage ways. This leads to flooding and blockage of the access to the town preventing any emergency or fire equipment from entering the town in a timely manner. This is also an area that may also develop economically since it is at the end of the newly completed Mon Valley Expressway.

Please strongly consider all the sites that I have suggested and let me know via a response letter of your determinations on these sites. Thank you for allowing us to comment on your pending amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Stokum".

Gary Stokum  
District Manager

January 29, 1992

Kurt Leitholf, Executive Director  
Pennsylvania Association of Conservation  
Districts, Inc.  
225 Pine Street  
Harrisburg, PA 17101

Dear Mr. Leitholf:

Enclosed for your information, review and comments is a draft copy of our Amendment No. 1 to our Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977. This amendment updates our Reclamation Plan and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508.

The Plan Amendment consists of two new parts that will be added to the original Plan. Part D contains updates of the information, policies and procedures contained in the original Plan that affect both the original P.L. 95-87 Program and the new P.L. 101-508 initiatives. Part E contains a description of Pennsylvania's proposed program modifications to implement the new P.L. 101-508 initiatives and provides the information regarding these initiatives specifically required by OSM's regulations.

We will be publishing a newspaper notice in each coal county which will advise the public of our intention to submit the Plan Amendment to OSM. In the 31 counties which signed the MOU with us, that notice will also state that if they want a copy of the Plan Amendment they can contact our offices in Harrisburg, Wilkes-Barre or Ebensburg, or the local County Conservation District office. In the 14 counties which did not sign the MOU with us, that notice will state that if they want a copy of the Plan Amendment they can contact our offices only.

Please review the enclosed draft Amendment and send us your comments, if any, within the next 30 days. Should you have any questions concerning this draft Plan Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Enclosure

cc: Bielicki  
Fenko  
Meyers

RJB/AEF/baw

MS

January 29, 1992

See Attached List

Dear:

Enclosed for your information, review and comments is a draft copy of Amendment No. 1 to our Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977. This amendment updates our Reclamation Plan and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508. The first initiative involves reclaiming high priority bond forfeiture sites where mining occurred between August 3, 1977 and July 30, 1982. The second initiative involves reclaiming high priority bond forfeiture sites where the surety went bankrupt and mining occurred between August 3, 1977 and November 5, 1990. The third initiative involves setting aside 10 percent of our total grants each fiscal year to establish an acid mine drainage abatement and treatment fund. The fourth initiative allows up to 30 percent of grant funds each year to be used for water supply replacement projects.

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We will be publishing a newspaper notice in each coal county which will advise the public of our intention to submit the Plan Amendment to OSM. That notice will also state that if they want a copy of the Plan Amendment they can contact our offices in Harrisburg, Wilkes-Barre, or Ebensburg.



See Attached List

-2-

January 20, 1992

Please review the enclosed draft Amendment and send us your comments, if any, within the next 30 days. Should you have any questions concerning this draft Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Enclosure

cc: Bielicki  
Perko  
Meyers

RJB/AEF/baw

The Honorable James J. Rhoades  
Senate of Pennsylvania  
Senate Post Office Box #29  
Main Capitol Building  
Harrisburg, PA 17120

The Honorable J. William Lincoln  
Senate of Pennsylvania  
Senate Post Office Box #32  
Main Capitol Building  
Harrisburg, PA 17120

David Aloe, President  
Aloe Coal Company  
P. O. Box 9327  
Neville Island, PA 15225

Mr. Andrew Drebitko, Jr.  
Drew Development Company  
14 North 3rd Street  
Minersville, PA 17954

Mr. Walter E. Fike  
R. D. #3, Box 276  
Clarion, PA 16214

Mr. Walter N. Heine  
Walter N. Heine Associates, Inc.  
P. O. Box 460  
Boiling Springs, PA 17007

Mr. Bernard Hoffnar  
R. D.  
Six Mile Run, PA 16679

The Honorable John N. Wozniak  
House of Representatives  
House Post Office Box #134  
Main Capitol Building  
Harrisburg, PA 17120

The Honorable David G. Argall  
House of Representatives  
House Post Office Box #162  
Main Capitol Building  
Harrisburg, PA 17120

John C. Oliver, President  
Western Pennsylvania Conservancy  
316 Fourth Avenue  
Pittsburgh, PA 15222

Dr. Brian Redmond  
Wilkes University  
P. O. Box 111  
Wilkes-Barre, PA 18766

Mrs. Gail Rockwood  
218 Hays Road  
Pittsburgh, PA 15241

Mr. John Prushnok  
P & N Coal Company  
P. O. Box 332  
Punxsutawney, PA 15767

Fred Wolf, P.E.  
Penn Equipment Corporation  
Main and Mill Streets  
Port Carbon, PA 17965

David E. Rupert, District Manager  
Armstrong County Conservation District  
Armsdale Administration Building  
RD #8, Box 294  
Kittanning, PA 16201

Terry Miller, District Manager  
Bedford County Conservation District  
702 West Pitt Street  
Fairlawn Court, Suite 4  
Bedford, PA 15522

Ronald Fodor, District Manager  
Butler County Conservation District  
Sunnyview Home  
711 Morton Avenue  
Butler, PA 16001

Robert E. Sweitzer, District Manager  
Centre County Conservation District  
1207 Zion Road, Suite 2  
Bellefonte, PA 16823

Robert Dippold, District Manager  
Elk County Conservation District  
Courthouse  
P.O. Box 448  
Ridgway, PA 15853

Tom Jamieson, District Manager  
Forest County Conservation District  
P.O. Box 456  
Tionesta, PA 16353

Lou Koczyk, District Manager  
Indiana County Conservation District  
Ag Service Center  
251 Rt. 286 N.  
Indiana, PA 15701-9011

Roby Grose, District Manager  
Jefferson County Conservation District  
R.D. #5, Service Center  
Brookville, PA 15825

Ernest Keller, District Manager  
Lackawanna County Conservation District  
600 S. State St.  
Clarks Summit, PA 18411

Bob Youker, District Manager  
Luzerne County Conservation District  
Courthouse Annex  
5 Water Street  
Wilkes-Barre, PA 18711

James Johnson, District Manager  
McKean County Conservation District  
Drawer E  
Custer City, PA 16725

Daniel Yahner, District Manager  
Venango County Conservation District  
R. D. #4, Box 665  
Franklin, PA 16323

Todd Fantaski, District Manager  
Warren County Conservation District  
110 Yankee Bush Road  
Warren, PA 16365

Robert Muller, District Manager  
Wayne County Conservation District  
Ag Service Center  
470 Sunrise Avenue  
Honesdale, PA 18431

January 29, 1992

See Attached List

Dear:

Enclosed for your information, review and comments is a draft copy of Amendment No. 1 to our Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977. This amendment updates our Reclamation Plan and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508. This draft amendment follows our November 4, 1991 letter which requested your comments on the four new initiatives.

The Plan Amendment consists of two new parts that will be added to the original Plan. Part D contains updates of the information, policies and procedures contained in the original Plan that affect both the original P.L. 95-87 Program and the new P.L. 101-508 initiatives. Part E contains a description of Pennsylvania's proposed program modifications to implement the new P.L. 101-508 initiatives and provides the information regarding these initiatives specifically required by OSM's regulations.

We will be publishing a newspaper notice in each coal county which will advise the public of our intention to submit the Plan Amendment to OSM. That notice will also state that if they want a copy of the Plan Amendment they can contact our offices in Harrisburg, Wilkes-Barre, or Ebensburg, or the local County Conservation District office. We appreciate your assistance in this matter.

Please review the enclosed draft Amendment and send us your comments, if any, within the next 30 days. Should you have any questions concerning this draft Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Enclosure

cc: Bielicki w/att  
Ferko w/att  
Meyers w/att

RJB/AEF/baw

Harry Barnett, District Manager  
Allegheny County Conservation District  
208 Acacia Building  
875 Greentree Road  
Pittsburgh, PA 15220

Vicky Michaels, District Manager  
Beaver County Conservation District  
P.O. Box 40  
Beaver, PA 15009

Donna Fisher, District Manager  
Blair County Conservation District  
1407 Blair Street  
Hollidaysburg, PA 16648

Michael Lovegreen, District Manager  
Bradford County Conservation District  
Stoll Natural Resource Center  
R.R. #5, Box 5030-C  
Towanda, PA 18848

Clair J. Dumm, District Manager  
Cambria County Conservation District  
P.O. Box 187  
Ebensburg, PA 15931

Paula I. Barner, District Manager  
Cameron County Conservation District  
2nd Floor, Courthouse  
Emporium, PA 15834

James J. Clauser, District Manager  
Carbon County Conservation District  
P.O. Box 346, R.D. #6  
Lehighton, PA 18235

Kathleen Shoop, District Manager  
Clarion County Conservation District  
P.O. Box 468  
Mayfield Professional Building  
Clarion, PA 16214

Tamee Graham, District Manager  
Clearfield County Conservation District  
650 Leonard Street  
Clearfield, PA 16830

Sue Foust, District Manager  
Clinton County Conservation District  
2 State Route 150  
Mill Hall, PA 17751-1631

Maryruth Wagner, District Manager  
Columbia County Conservation District  
1127 A Old Berwick Road  
Bloomsburg, PA 17815

Lynn Sandieson, District Manager  
Crawford County Conservation District  
154 Park Avenue Plaza  
Meadville, PA 16335

John Orr, District Manager  
Dauphin County Conservation District  
1451 Peters Mountain Road  
Dauphin, PA 17018

Thelma Adams, District Manager  
Fayette County Conservation District  
253 S. Mt. Vernon Avenue  
Uniontown, PA 15401

Tim Noss, District Manager  
Fulton County Conservation District  
216 North 2nd Street  
McConnellsburg, PA 17233

Steve Coss, District Manager  
Greene County Conservation District  
60 W. High Street  
Waynesburg, PA 15370

Andy Patterson, District Manager  
Huntingdon County Conservation District  
902 Pennsylvania Avenue  
Huntingdon, PA 16652

Joanne McCreedy, District Manager  
Lawrence County Conservation District  
County Courthouse  
New Castle, PA 16101



Charles Wertz, District Manager  
Lebanon County Conservation District  
Suite 5  
2120 Cornwall Road  
Lebanon, PA 17042-9788

Tom Corbett, District Manager  
Lycoming County Conservation District  
240 W. Third Street  
P.O. Box 68  
Williamsport, PA 17703

James Mondok, District Manager  
Mercer County Conservation District  
R.D. #2, Box 2055  
Mercer, PA 16137

Dave Moratelli, District Manager  
Northumberland County Conservation District  
R.D. #3, Box 238-C  
Sunbury, PA 17801

Pat Snyder, District Manager  
Potter County Conservation District  
R.D. #3, Box 107-A Maple View  
Condersport, PA 16915

Craig Morgan, District Manager  
Schuylkill County Conservation District  
Fairlane Village Mall  
Route 61 North  
Pottsville, PA 17901

David A. Steele, District Manager  
Somerset County Conservation District  
R.D. #5, Box 359  
Somerset, PA 15501

Jacquelyn Rouse, District Manager  
Sullivan County Conservation District  
R.R. 4181  
Dushore, PA 18614

Lillian Theophanis, District Manager  
Susquehanna County Conservation District  
County Office Building  
31 Public Avenue  
Montrose, PA 18801

Ralph Brugger, District Manager  
Tioga County Conservation District  
5 East Avenue  
Wellsboro, PA 16901

Gary Stokum, District Manager  
Washington County Conservation District  
602 Courthouse Square  
Washington, PA 15301

Gregory Phillips, District Manager  
Westmoreland County Conservation District  
932 St. Clair Way  
Route 30 East  
Greensburg, PA 15601

Kaye Long, District Manager  
Wyoming County Conservation District  
Tri-County Office Building  
R.D. #3  
Tunkhannock, PA 18657

February 6, 1992

Reclamation Plan Amendment Review  
OSM Title IV Program

A. H. Victor, Chief  
Engineering and Contracts

William W. Shakely, Director  
Bureau of Legal Services

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Attached for your information, review and comments is a draft copy of Amendment No. 1 to our Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977. This Amendment updates our Reclamation Plan and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508.

The first initiative involves reclaiming high priority bond forfeiture sites where mining occurred between August 3, 1977 and July 30, 1982. The second initiative involves reclaiming high priority bond forfeiture sites where the surety went bankrupt and mining occurred between August 3, 1977 and November 5, 1990. The third initiative involves setting aside 10 percent of our total grants each fiscal year to establish an acid mine drainage abatement and treatment fund. The fourth initiative allows up to 30 percent of grant funds each year to be used for water supply replacement projects.

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Please review the attached draft Amendment and send us your comments, if any, within the next 30 days. Should you have any questions concerning this draft Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Attachment

cc: Bielicki  
Perko  
Meyers

RJB/AEP/daw

DATE: March 2, 1992

SUBJECT: Reclamation Plan Amendment Review  
OSM Title IV Program

TO: Mr. Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation  
Department of Environmental Resources

FROM: Ross E. Starner *Ross E. Starner*  
Comptroller  
Department of Environmental Resources

This office has reviewed the draft copy of Amendment No. 1 to the Abandoned Mine Reclamation Plan. We have no changes or comments for the plan.

We appreciate the opportunity to review the draft. If you have any further questions concerning this matter, please contact at 2-7000.

mas

February 6, 1992

Reclamation Plan Amendment Review  
OSM Title IV Program

Ross E. Starner, Comptroller  
Comptroller's Office

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Attached for your information, review and comments is a draft copy of Amendment No. 1 to our Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977. This Amendment updates our Reclamation Plan and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508.

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We would like to take this opportunity to thank you for your assistance in setting up the Acid Mine Drainage Abatement and Treatment Fund that is referenced in this Plan Amendment.

Please review the attached draft Amendment and send us your comments, if any, within the next 30 days. Should you have any questions concerning this draft Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Attachment

cc: Bielicki  
Perko  
Meyers

RJB/REP/baw

March 5, 1992

Mr. Bernard Hoffnar  
R.D.  
Six Mile Run, PA 16679

Dear Mr. Hoffnar:

Thank you for your comments to our draft Amendment No. 1 to our Abandoned Mine Reclamation Plan. Since your comments were given to me by phone, I am enclosing a written copy of your comments so that you may review them for accuracy. If you would like to make any changes or add to them, please send your additional comments to me in writing by March 26, 1992, so that we can also include them in our submission of comments to OSM. If we do not receive any response from you, we will assume that the enclosed summary is accurate as written.

Should you have any questions, please call me at (717) 783-2156.

Sincerely,

Richard L. Joyce, Mining Engineer  
Bureau of Abandoned Mine Reclamation

Enclosure

ARF/DCH:baw:nt

Comments to Reclamation Plan Amendment

Mr. Bernie Hoffnar called on February 13, 1992 at 8:15 AM to give the following comments:

- I-B. (page 5) - DER should inventory and document the extent of the problem to be covered by the new interim sites reclamation program.
- II-F. (page 8) - The new accounts from OSM (AML fee collection fund) is now interest bearing. Can current and future projects be taken from the 1980's accounts first? Can the projects be drawn from the account which is non-interest bearing first?
- III-C. (page 8) - (a) Add the MOU between the Bureau of Abandoned Mine Reclamation and the Conservation Districts to Part C.
  - b. Add coordination with Conservation Districts through the Bureau of Soil and Water Conservation to Part C.
  - c. We should coordinate with Chesapeake Bay Program for AMD projects.
- III-F (in original Plan). - Add to plan amendment, Section III-F - Public Participation - The potential project lists for Title IV projects have been sent out to the Conservation Districts by the Bureau of Abandoned Mine Reclamation.

March 9, 1992

Kathleen A. Stroop, District Manager  
Clarion County Conservation District  
P.O. Box 468  
Mayfield Professional Building  
Clarion, PA 16214

Dear Ms. Stroop:

Thank you for your comment in your letter dated February 18, 1992, concerning our draft Amendment No. 1 to the Abandoned Mine Reclamation Plan. We apologize for misspelling your name and have corrected our records.

In your letter, you requested that we delete the phrase "...from coal mining practices" from the sentence on page 20 - Part E, Section IV(A). We cannot make that change since it is an exact quote from both the Act as amended and the draft regulations as shown in the enclosed information.

Should you have any further questions or comments concerning this draft Amendment, please contact Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

RJB:DCH:nt



# Clarion Conservation District



Box 468, Clarion, Pennsylvania 16214

Phone 226-4070

February 18, 1992

Richard J, Bielicki, Director  
Bureau of Abandoned Mine Reclamation  
Department of Environmental Resources  
P.O. Box 1467  
Harrisburg, PA 17105-1467

Dear Mr. Bielicki:

We have reviewed the draft Amendment No. 1 to the Abandoned Mine Reclamation Plan as requested in your letter dated January 29, 1992. The only change we see to be made is as follows:

Page 20 - Part E, section IV, Para. A -  
delete "...from coal mining practices"

Sincerely,

Kathleen A. Stroop  
District Manager

P.S. Please note correct spelling of last name. I have repeatedly requested that this be changed but the computer does not seem to want to correct it.

March 25, 1992

Mr. Bernard Hoffnar  
R.D.  
Six Mile Run, PA 16679

Dear Mr. Hoffnar:

Thank you for your additional comments to our draft Amendment No. 1 to our Abandoned Mine Reclamation Plan sent February 25, 1992. Enclosed are our responses to your comments given February 13, 1992 and February 25, 1992.

Sincerely,

Richard L. Joyce, Mining Engineer  
Bureau of Abandoned Mine Reclamation

Enclosure

AEF:BCH:baw

Responses to comments given February 13, 1992

1. I-B OSM has determined that interim period sites will not be added to their inventory of AML problems.
2. II-F The federal government controls the Fund and all contributions and disbursements from the Fund.
3. III-C (a) This MOU is not established by law nor is it required as part of the Federal program. The Conservation District parties to the MOU may withdraw or enter (reenter) into the agreement as desired. These actions could lead to Reclamation Plan Amendments being necessary on a very frequent basis.  
  
(b) Coordination with Conservation Districts is documented in Part B, Section III, Item F, Public Participation.  
  
(c) To the extent necessary, our AMD program will coordinate our activities with other remediation and reclamation efforts in the vicinity of these projects.
4. III-F Coordination with Conservation Districts is documented in Part B, Section III, Public Participation.

February 25, 1992 - Additional Comments:

1. The original Plan is available for review at the Bureau of Abandoned Mine Reclamation offices listed with the Pennsylvania Bulletin notice.
2. The comment does not provide specifics. We believe the Amendment is comprehensive and complete and meets all Federal requirements including 30 CFR 884.13.
3. The Reclamation Plan is a requirement of the Federal Title IV grants program and, as such, is funded by that Federal program. Our 1983 Plan and this Amendment respond to the Federal Requirements.
4. The Amendment will allow implementation of new Title IV initiatives recently authorized by Congress. To that extent, it is an addition to our 1983 Plan.
5. The exhibits are attached.
6. The Department is required to address Priority 1 and 2 problems as defined by OSM's Inventory. This Amendment will allow use of funds to address other than Inventory problems.
7. OSM has decided that the interim sites will not be inventoried. They have retained the authority to approve or disapprove funding for interim sites on an as requested basis.

8. Pennsylvania has the authority to eliminate health, safety and general welfare Priority 1 and 2 problems in the most expedient and cost effective ways. We are not constrained to use Inventory defined approaches if other approaches prove better or more economical.
9. The Federal government controls the Fund and all contributions and disbursements from the Fund.
10. The Department cooperates with the Mining and Reclamation Advisory Board (MRAB) as an advisory body according to state law. This Amendment will not change that relationship.
11. We do not believe that programmatic liens (on private properties) are necessary nor desirable where the Department takes action to abate eligible AMD problems.
12. Please see the comments to items (3a), (3b), and (3c) in the first section.
13. This Amendment satisfies a Federal requirement before funding will be made available to address these new initiatives. The Amendment does not require a comprehensive Inventory of initiative areas nor does it require us to commit to specific and unalterable procedures or policies.

Comments to Reclamation Plan Amendment

Mr. Bernie Hoffnar called on February 13, 1992 at 8:15 AM to give the following comments:

- ① I-B. (page 5) - DER should inventory and document the extent of the problem to be covered by the new interim sites reclamation program.
- ② II-F. (page 8) - The new accounts from OSM (AML fee collection fund) is now interest bearing. Can current and future projects be taken from the 1980's accounts first? Can the projects be drawn from the account which is non-interest bearing first?
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b. Add coordination with Conservation Districts through the Bureau of Soil and Water Conservation to Part C.  
  
c. We should coordinate with Chesapeake Bay Program for AMD projects.
- ④ III-F (in original Plan). - Add to plan amendment, Section III-F - Public Participation - The potential project lists for Title IV projects have been sent out to the Conservation Districts by the Bureau of Abandoned Mine Reclamation.

3/11/92

See attached for more;

I thought that I had indicated additional sheet covering.

3A

RECEIVED  
92 MAR 13 AM 9:53  
DIVISION OF  
MINE HAZARDS

RECEIVED  
92 MAR 13 A 9:03  
ENVIRONMENTAL  
ABANDONED MINE  
RECLAMATION

February 25, 1992

- ① Since there are often references to the 1983 plan the section referred to should have been included so that a reviewer could know what /she is doing without finding a copy of the old plan. The amendment is very poorly done. I believe it is incomplete. There are references to the 1983 plan that outdated.
- ② The AMR Plan Amendment #1 is incomplete and does not address issues that are of great importance to Pennsylvania. The Amendment may not meet the initiatives specifically required under 30 CFR 884.13.
- ③ The complete 1983 Plan should be revisited and redone to include an update and to provide a more comprehensive approach to addressing the legacy of Abandoned Mine Land in Pa.
- ④ The Amendment appears to be a "stick on" rather than a genuine addition to the 1983 Plan.
- ⑤ --In the draft sent to me there were Exhibits noted which were not attached.
- ⑥ --The purpose of the plan amendment is only "to modify Pennsylvania's Plan to allow implementation by DER of the initiatives authorized under P.L. 101-508." In fact the amendment could and should go much further to allow Pa. to utilize the initiatives authorized in P.L. 101-508 to supplement and complement state initiatives to address a broader array of AML problems.
- ⑦ --While post 9/3/77 sites may now be eligible for funding they are tacked into the old framework and not specifically addressed in any comprehensive way. No creativity was used in consideration of this extended group of eligible AML sites.
- ⑧ --The Amendment states that Pa. is constrained to follow QSM inventory criteria for Priority 1 and 2 problems there is no suggestion that Pennsylvania could suggest additional more cost effective ways to accomplish AML reclamation.
- ⑨ [Is the separate new account that is interest bearing based on all the funds in the AML account or only the funds collected after 1990?]
- ⑩ In the Policies and Procedures section (pg 8-9-10) no mention is made of a number of recent policies and procedures that have been implemented. Specifically the role of the Conservation Districts and MRAB is not mentioned.
- ⑪ --Since AMD is included there should be additional considerations under III. E. on page 10.
- ⑫ --There is no mention of changes in public participation. Possibly III.F. should be added on page 11.
- ⑬ Part E of the plan indicated that significant changes in the program have been made. However, Pennsylvania's response is marginal and does not include any significant thought to how to implement these changes to the greatest advantage to Pa. in 1992.

III pg. 16 includes 77-82 sites that might receive a different type of consideration than pre 77 sites.]

III pg. 17 seems to indicate that federal funds can be used to reclaim AML sites that were not adequately covered by bonds before 11/3/90.] If this is true the federal law is flawed and Pa. should not be a party to it.]

Has nothing been learned since 1982 in ways to deal with AMD? Not only should this be updated to include wetlands but other possibilities should be included.

Commonwealth of Pennsylvania  
Environmental Resources  
March 3, 1992

**Subject:** Authority to Conduct An Abandoned  
Mine Land Reclamation Program

**To:** Richard Bielicki  
Director  
Bureau of Abandoned Mine Land Reclamation

**From:** Virginia Davison *(V)*  
Assistant Counsel  
Bureau of Legal Services

This office has been asked for an opinion concerning the authority of the Department of Environmental Resources to establish, administer and conduct a program for Reclamation of Abandoned Mine sites in accordance with Title IV of the Surface Mining Control and Reclamation Act of 1977, Act of August 3, 1977, P.L. 95-87, 91 Stat. 445, 30 USC §1201 et seq., as amended ("SMCRA").

In the opinion of this office, the Department of Environmental Resources is so authorized. This authority comes from the following Pennsylvania laws: The Land and Water Conservation and Reclamation Act, Act of January 19, 1968, P.L. 966 (1967), No. 443 as amended, 32 P.S. §5101 et seq.; The Act of May 7, 1935, P.L. 141, 52 P.S. §809 et seq.; The Coal Mine Sealing Act of 1947, Act of June 30, 1947, P.L. 1177, as amended, 52 P.S. §28.1 et seq.; The Act of April 3, 1968, P.L. 92, No. 42, 52 P.S. §30.201 et seq.; The Act of July 19, 1965, No. 117, as amended, 52 P.S. §30.101 et seq.; The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq.; and the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, Section 1915-A, 71 P.S. §510-15.

The Commonwealth has also made specific arrangements so that it can effect the provisions of 30 USC §1232(g)(6), which allows states to set aside ten percent (10%) of their total annual grants for use in acid mine drainage and treatment without regard to the statute's general three-year limitation on expenditure of grant monies.

In accordance with the requirements of Section 1232(g)(7), the Commonwealth has created the Acid Mine Drainage Abatement and Treatment Fund, a separate and distinct special revenue fund in the Commonwealth's treasury. Revenues in that fund will consist only of the set-asides of up to ten percent (10%) of the annual grants made by the Office of Surface Mining to Pennsylvania for abandoned mine reclamation and all the interest earned on such amounts.

Expenditures from the Fund will be limited to implementation of the approved acid mine drainage abatement and treatment plan.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

General  
Hunting Board  
Citizens Advisory  
Council

Office of Chief Counsel  
Chief Counsel

SECRETARY

Office of the Budget  
Comptroller

Office of Policy

Deputy for Public Liaison

Boards & Commissions

Environmental Quality Board  
Coal and City Mine Subsidence  
Insurance Board  
State Board for Certification of Sewage  
Treatment Plant and Wasteworks  
Operator  
State Board for Certification of Sewage  
Enforcement Officers  
State Conservation Commission  
Water Facilities Loan Board

DEPUTY SECRETARY FOR  
MANAGEMENT AND  
TECHNICAL SERVICES

Alliainkive Action  
Engineering & Contract Manage-  
ment  
Management Services  
Construction Management  
Publicallons  
Bureau of Information Resources  
Management  
Divisions:  
Planning & Analysis  
End User Support  
Systems Development  
Operations  
Bureau of Personnel  
Divisions:  
Classification & Pay  
Placement & Recruitment  
Employee Relations & Salary  
Employee Benefits & Personnel  
Systems  
Training & Development  
Bureau of Fiscal Management  
Divisions:  
Budget Analysis for Environmental  
Protection  
Budget Analysis for Administration  
and Resources Management  
Special Projects  
Bureau of Office Systems and  
Services  
Divisions:  
Office of Support Services  
Materials Management  
Office Systems & Word Processing  
Bureau of Laboratories  
Divisions:  
Organic Chemistry & Radiation  
Measurement  
Inorganic Chemistry & Biological  
Services

DEPUTY SECRETARY FOR  
AIR AND WASTE  
MANAGEMENT

Bureau of Air Quality Control  
Divisions:  
Air Resource Management  
Technical Services & Monitoring  
Abatement & Compliance  
Bureau of Waste Management  
Divisions:  
State Superfund Project  
Enforcement  
Special Investigations  
Ferrals  
Waste Minimization & Planning  
Bureau of Radiation Protection  
Divisions:  
Radiation Control  
Environmental Radiation  
Nuclear Safety  
Radon

DEPUTY SECRETARY FOR  
WATER MANAGEMENT

Bureau of Community Environ-  
mental Control  
Divisions:  
Public Facilities Management  
Drinking Water Management  
Bureau of Water Resources  
Management  
Divisions:  
State Water Plan  
Coastal Zone Management  
Scenic Rivers  
Bureau of Water Quality  
Management  
Divisions:  
Water Quality  
Permits & Compliance  
Storage Tanks  
Municipal Facilities & Grants  
Bureau of Soil and Water  
Conservation  
Divisions:  
Conservation Districts  
Chesapeake Bay & Agricultural  
Nonpoint Source Programs  
Bureau of Dams and Waterway  
Management  
Divisions:  
Dam Safety  
Waterways & Storm Water  
Management  
Bureau of Water Projects  
Divisions:  
Project Development  
Project Design  
Stream Improvements

DEPUTY SECRETARY FOR  
MINERAL RESOURCES  
MANAGEMENT

Bureau of Mining and  
Reclamation  
Divisions:  
Permits  
Environmental Analysis & Support  
Monitoring & Compliance  
Bureau of Abandoned Mine  
Reclamation  
Divisions:  
Acid Mine Drainage Abatement  
Mine Hazards  
Bureau of Deep Mine Safety  
Divisions:  
Field Operations  
Program Development and  
Technical Services  
Bureau of Oil and Gas  
Management  
Divisions:  
Subsurface Activities  
Surface Activities  
Enforcement & Administration

DEPUTY SECRETARY FOR  
FIELD OPERATIONS

Emergency Response  
District Mining Operations  
Regional Offices:  
Corryton  
Wilkes-Barre  
Hazleburg  
Williamsport  
Pittsburgh  
Merndville

DEPUTY SECRETARY FOR  
STATE PARKS  
AND FORESTRY

Bureau of Forestry  
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Forest Management  
Forest Fire Protection  
Forest Advisory Services  
Forest Pest Management  
Bureau of State Parks  
Divisions:  
Park Operation  
Park Maintenance  
Park Administration  
Bureau of Topographic and  
Geologic Survey  
Divisions:  
Geologic Mapping  
Mineral Resources  
Oil & Gas Geology  
Environmental Geology

April 8, 1992

James F. Eshelman, Chairman  
Bedford County Conservation District  
702 W. Pitt Street  
Suite 4, Fairlawn Court  
Bedford, PA 15522

Dear Mr. Eshelman:

Thank you for your March 18, 1992 comments to our Draft Amendment No. 1 to our Abandoned Mine Reclamation Plan. Enclosed are our responses to your comments.

If you have any questions concerning our program, please call Richard Joyce in the OSM Management Section at (717) 783-2156.

Sincerely,

Richard J. Bielicki, Director  
Bureau of Abandoned Mine Reclamation

Enclosure,

cc: Bielicki

RJB/AEF/baw



Reply to the Bedford County Conservation District March 18, 1992 letter

1. The original Reclamation Plan plus the proposed Amendment will provide a comprehensive document which meets all Federal mandates and authorizes grant funding.
2. This is a Congressional authorization allowing use of Title IV monies where the mine operator and the surety guaranteeing bonds have both suffered bankruptcy and no state funds are available for reclamation.
3. With regard to the Exhibits, see Attachment A Responses Nos. 4 and 9. OMB Circular A-102 is described as the uniform administrative requirements for grants-in-aid to state and local governments from the Federal government. It establishes standards for consistency and uniformity among Federal agencies in the administration of grants.
4. Remining is addressed through the Title V regulatory process and is not authorized by, nor is it a part of, the Title IV program.

Reply to Attachment A - Bedford County Conservation District March 18, 1992 letter.

1. The Federal Act (PL 101-508) authorizes state establishment of an interest bearing account for eligible acid mine drainage abatement projects. The account can be established after October 1, 1991 and after the state Reclamation Plan is amended. Up to 10% of grant funds received from the Federal Government under Title IV can be deposited within the account. Also as a result of PL 105-508, interest now accrues to all unappropriated Federal AML funds collected since 1977.
2. The Bureau is receptive to exploring development of MOU's with other entities.
3. No change in Exhibit 1 is necessary.
4. A copy of Exhibit 2 is attached to this response and it will be included in the Plan Amendment submitted to OSM.
5. No change in our Reclamation Plan reference to the National Inventory is required.
6. Contrary to this comment, continuous coordination is maintained with SCS and significant coordination with MOU signatory Conservation Districts has been accomplished.
7. No change to our Reclamation Plan regarding land acquisition, management and disposal, reclamation on private land, or Rights-of-Entry is required.
8. We believe that the Conservation Districts are the best direct contact for comments regarding this Plan Amendment. Also, a notice was placed in a newspaper in each of the 45 coal counties and in the Pennsylvania Bulletin making available the proposed Reclamation Plan Amendment to the public for comment.
9. Exhibit 5 is provided with this response and it will be included in the Plan Amendment submitted to OSM.

10. The map denoted as Exhibit 12 was provided in the original Plan to show general locations of eligible lands and waters. The exhibit is still satisfactory for its intended use.
11. Pennsylvania will continue to be guided by OSM regulations and policies related to eligible water supply replacement projects. A reproduction and listing of OSM documents in this regard is not necessary. Further information related to water supply replacement requirements is contained within Part E, Section V of the Amendment.
12. We continue to solicit information from all citizens related to AML problems. We would welcome your assistance in better defining eligible AML problems within Pennsylvania.
13. The proposed solutions referred to are denoted as "some of the more common techniques" and are listed for informational purposes only. They are not a restrictive listing. Pennsylvania is permitted to utilize any and all effective, efficient and economical techniques in AML reclamation work.
14. This comment was addressed above in response number 2 to your letter.
15. It was determined that the project ranking and selections criteria of the Reclamation Plan would not be amended.
16. The Title IV Program is a supplement to all of the programs mentioned. This Amendment will not alter that relationship.

Commonwealth of Pennsylvania  
Environmental Resources  
March 3, 1992

**Subject:** Authority to Conduct An Abandoned  
Mine Land Reclamation Program

**To:** Richard Bielicki  
Director  
Bureau of Abandoned Mine Land Reclamation

**From:** Virginia Davison *VD*  
Assistant Counsel  
Bureau of Legal Services

This office has been asked for an opinion concerning the authority of the Department of Environmental Resources to establish, administer and conduct a program for Reclamation of Abandoned Mine sites in accordance with Title IV of the Surface Mining Control and Reclamation Act of 1977, Act of August 3, 1977, P.L. 95-87, 91 Stat. 445, 30 USC §1201 et seq., as amended ("SMCRA").

In the opinion of this office, the Department of Environmental Resources is so authorized. This authority comes from the following Pennsylvania laws: The Land and Water Conservation and Reclamation Act, Act of January 19, 1968, P.L. 966 (1967), No. 443 as amended, 32 P.S. §5101 et seq.; The Act of May 7, 1935, P.L. 141, 52 P.S. §809 et seq.; The Coal Mine Sealing Act of 1947, Act of June 30, 1947, P.L. 1177, as amended, 52 P.S. §28.1 et seq.; The Act of April 3, 1968, P.L. 92, No. 42, 52 P.S. §30.201 et seq.; The Act of July 19, 1965, No. 117, as amended, 52 P.S. §30.101 et seq.; The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq.; and the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, Section 1915-A, 71 P.S. §510-15.

The Commonwealth has also made specific arrangements so that it can effect the provisions of 30 USC §1232(g)(6), which allows states to set aside ten percent (10%) of their total annual grants for use in acid mine drainage and treatment without regard to the statute's general three-year limitation on expenditure of grant monies.

In accordance with the requirements of Section 1232(g)(7), the Commonwealth has created the Acid Mine Drainage Abatement and Treatment Fund, a separate and distinct special revenue fund in the Commonwealth's treasury. Revenues in that fund will consist only of the set-asides of up to ten percent (10%) of the annual grants made by the Office of Surface Mining to Pennsylvania for abandoned mine reclamation and all the interest earned on such amounts.

Expenditures from the Fund will be limited to implementation of the approved acid mine drainage abatement and treatment plan.

DEPARTMENT OF ENVIRONMENTAL RESOURCES

Departmental  
Hearing Board  
Citizens Advisory  
Council

Office of Chief Counsel  
Civil Council

SECRETARY

Office of the Budget  
Comptroller

Office of Policy

Deputy for Public Union

EXHIBIT 5

Bonds & Institutions

Environmental Quality Board  
Coal and City Mine Subsidence  
Insurance Board  
State Board for Certification of Sewage  
Treatment Plant and Wastewater  
Operators  
State Board for Certification of Sewage  
Enforcement Officers  
State Conservation Commission  
Water Facilities Loan Board

DEPUTY SECRETARY FOR  
MANAGEMENT AND  
TECHNICAL SERVICES

Alliative Action  
Engineering & Contract Manage-  
ment  
Management Services  
Construction Management  
Publications  
Bureau of Information Resources  
Management

Divisions:  
Planning & Analysis  
End User Support  
Systems Development  
Operations  
Bureau of Personnel

Divisions:  
Classification & Pay  
Placement & Recruitment  
Employee Relations & Safety  
Employee Benefits & Personnel  
Systems  
Training & Development  
Bureau of Fiscal Management

Divisions:  
Budget Analysts for Environmental  
Protection  
Budget Analysts for Administration  
and Resources Management  
Special Projects  
Bureau of Office Systems and  
Services

Divisions:  
Office of Support Services  
Materials Management  
Office Systems & Word Processing  
Bureau of Laboratories

Divisions:  
Organic Chemistry & Radiation  
Measurement  
Inorganic Chemistry & Biological  
Services

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MANAGEMENT

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Divisions:  
Air Resource Management  
Technical Services & Monitoring  
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Bureau of Waste Management

Divisions:  
State Superfund Project  
Enforcement  
Special Investigations  
Permits  
Waste Minimization & Planning  
Bureau of Radiation Protection

Divisions:  
Radiation Control  
Environmental Radiation  
Nuclear Safety  
Fedor

DEPUTY SECRETARY FOR  
WATER MANAGEMENT

Bureau of Community Environ-  
mental Control  
Divisions:  
Public Facilities Management  
Drinking Water Management  
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Stream Improvements

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Bureau of Abandoned Mine  
Reclamation

Divisions:  
Acid Mine Drainage Abatement  
Mine Hazards  
Bureau of Deep Mine Safety

Divisions:  
Field Operations  
Program Development and  
Technical Services  
Bureau of Oil and Gas  
Management

Divisions:  
Subsurface Activities  
Surface Activities  
Enforcement & Administration

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Emergency Response  
District Mining Operations  
Regional Offices:  
Corryton  
Wilkes-Barre  
Harrisburg  
Williamsport  
Pittsburgh  
Meadville

Divisions:  
Bureau of Forestry  
Forest Management  
Forest Fire Protection  
Forest Advisory Services  
Forest Pest Management  
Bureau of State Parks

Divisions:  
Park Operation  
Park Maintenance  
Park Administration  
Bureau of Topographic and  
Geologic Survey

Divisions:  
Geologic Mapping  
Mineral Resources  
Oil & Gas Geology  
Environmental Geology

DEPUTY SECRETARY FOR  
STATE PARKS  
AND FORESTRY

Bureau of Forestry  
Divisions:  
Forest Management  
Forest Fire Protection  
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Forest Pest Management  
Bureau of State Parks

Divisions:  
Park Operation  
Park Maintenance  
Park Administration  
Bureau of Topographic and  
Geologic Survey

Divisions:  
Geologic Mapping  
Mineral Resources  
Oil & Gas Geology  
Environmental Geology



Bedford County Conservation District

702 W. PITT STREET, SUITE 4, FAIRLAWN COURT, BEDFORD, PENNSYLVANIA 15522

TELEPHONE: DISTRICT - (814) 623-6706 or (814) 623-8099

GYPSY MOTH - (814) 623-2426

March 18, 1992

Department of Environmental Resources  
Bureau of Abandoned Mine Reclamation  
PO Box 1467  
Harrisburg, PA 17105-1467

ATTN: Richard J. Sielicki, Director

Dear Mr. Sielicki,

The Bedford Conservation District has reviewed the Abandoned Mine Reclamation Plan, Amendment Number 1 as provided with your cover letter dated January 29, 1992. Some general concerns are included in this letter. A three page list of specific comments is attached with this letter.

1. Pennsylvania's entire Abandoned Mine Reclamation Plan should be reviewed and updated. The current document dated 1983 and the proposed amendments don't reflect changes in technology and other appropriate developments.
2. It does not seem appropriate to use federal reclamation dollars to reclaim bond forfeiture sites that occurred between the time Pennsylvania was granted primary and November 5, 1990. This is simply a way out for state programs that did not do a good job.
3. The plan amendment refers to exhibits and other materials that are not included with the review material. In at least one instance reference is made to OMB circular A-102. What is this document and how does it relate to the plan and/or the amended plan.
4. The state of Pennsylvania encourages re-mining of abandoned mined lands through the permitting process. Re-mining of previously abandoned areas is a logical way to reclaim many areas. Re-mining should be included in the plan and objectives developed.

Attachment A with this letter provides more detailed comments regarding Pennsylvania's Abandoned Mine Reclamation Plan and Amendment Number one.

Sincerely,

James F. Eselman, Chairman  
Bedford Conservation District

Attachment: One

cc: Terry Fabian  
Bob Kaufman

Attachment A

**BEDFORD CONSERVATION DISTRICT**

Comments

on the

Pennsylvania Abandoned Mine Reclamation Plan

Amendment No. 1

- ① Page 8, Part D, II F mentions an interest bearing new account for the AMD set aside program. Is this interest bearing set-up restricted to only the AMD account? Does interest automatically accrue to all the money that is related to the AML fund or only on funds collected moneys after 1990?
- ② On Page 9, Part D, III C the Memorandum of Understanding (MOU) with the Pennsylvania Fish Commission expired without renewal on April 20, 1987. A new MOU should be developed or the expired MOU should be renewed. The Bureau should also explore development of MOU's with other entities.
- ③ On Page 12 PART E I A reference is made to Exhibit I. As stated in the attached letter no Exhibits were provided with Amendment one. Furthermore Exhibit one in the plan of 1983 is signed by Governor Milton Shapp and the letter is dated November 1, 1978. Would it not be more appropriate for Governor Casey's signature to be included on a new Exhibit one?
- ④ On Page 12 Part E I-B reference is made to Exhibit 2A. No exhibit was provided with the Amendment one provided to us. Exhibit two in the 1983 plan includes a legal opinion from Attorney General Gerald Gornish that is dated November 15, 1978. Is the supplemental legal opinion provided by current Attorney General Freate?
- ⑤ On Page 13, Part E, I C 1 reference is made to the 1983 plan regarding policies and procedures. When one reviews the 1983 plan on page 15 mention is made of the national inventory. This inventory has been updated and the plan should reflect the change in status.
- ⑥ Page 13, Part E, I C 3 reference is made to coordination of reclamation work with others. It is our understanding that coordination with the Soil Conservation Service has not been happening. No increased emphasis for conservation districts participation is documented despite district involvement with the Bureau in a Memorandum of Understanding. No coordination is planned for entities such as river basin commissions, etc. where acid mine drainage is a pollution problem.



- ⑦ On Page 13, Part E, I C 4, 5 and 6 refer to policy and procedures regarding land acquisition, management and dispersal, reclamation on private land and rights of entry. A decade has passed since the program was initiated and some things have changed. These policies and procedures should be reviewed and appropriate amendments changes instituted based on any changes that have occurred.
- ⑧ On Page 14, Part E, I C 7 public input into the amendment is discussed. In addition to conservation districts the public input should as a minimum include plans for involvement by groups such as the Western Pennsylvania Coalition for Abandoned Mine Reclamation and others. It should also include involvement by County Planning Commissions and others units of local government.
- ⑨ On Page 14, Part E, Part E, I D 1 and 2 discuss the reorganization of the department and the departments personnel staffing policies. No exhibits have been provided with the plan amendment to illustrate the changes.
- ⑩ On Page 15, Part E, I E 1 refers to the map showing suspected eligible lands and waters known as Exhibit 12 in the original plan. No exhibit 12 was provided with the plan amendment. A review of exhibit 12 with the original plan prove the map to be out of date and inaccurate.
- ⑪ On Page 15, Part E, D 2 refers to water supply problems caused by abandoned mine lands. The water supply problem needs to be discussed in additional detail.
- ⑫ Pages 15 and 16 of the amended plan, Part E, I F 1 and 2, refer to prevailing conditions in parts of Pennsylvania where reclamation is planned. The Broad Top Soil and Water Conservation project report dated May 1981 contains a great deal of information on these conditions.
- ⑬ On Page 21, Part E, IV B II of the amended plan reference is made to problems and proposed solutions, Part C II Page 32 of the 1983 plan. This section is a listing of some of the more common techniques to be used in solving various types of problems. This list needs to be updated to include use of new and developing technology while eliminating those technologies that have proven to be of little value.

14 Pages 17 and 18, Part E III, begins discussion about the new bankrupt surety bond forfeiture projects initiative. The Bureau should handle this initiative differently from the new interim bond forfeiture projects initiative. Forfeitures between 1977 and primacy can and should be accepted for reclamation. Pennsylvania did not have complete control of the mining program until primacy was granted in 1982 and was left with abandoned mine land for which it was not completely responsible. However, any abandoned mine land left after primacy is the result of the state not properly administering the mining program and title IV funds should not be used to subsidize reclamation on these sites.

15 During the past year or so consideration has been given to modifying the policy for project ranking and selection III B Page 16 of the 1983 Plan. This issue should be readdressed. Why was discussion dropped on the matter?

16 In the estimation of many people close to the abandoned mine reclamation problem on a state wide and/or nation wide basis, there will not be enough money collected from the active mining industry to reclaim all of the land that is in need of reclamation. Furthermore, at the current rate of reclamation the enabling legislation will expire well before the reclamation job is done. In view of this, Pennsylvania's abandoned mine reclamation plan should be made part of an overall state wide reclamation strategy. This strategy should include the Title IV program, re-mining, bond forfeiture reclamation, acid mine drainage abatement and other suggestions for reclaiming abandoned mine lands and abating the associated pollution.

DEPARTMENT OF ENVIRONMENTAL RESOURCES**NOTICE OF AVAILABILITY OF DRAFT OSM TITLE IV PROGRAM  
RECLAMATION PLAN AMENDMENT**

The Department of Environmental Resources (DER), Bureau of Abandoned Mine Reclamation, is proposing to amend Pennsylvania's Abandoned Mine Reclamation Plan, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, as amended. This amendment updates the Reclamation Plan originally approved in 1982 and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508. The first initiative involves reclaiming high priority bond forfeiture sites where mining occurred between August 3, 1977 and July 30, 1982. The second initiative involves reclaiming high priority bond forfeiture sites where the surety went bankrupt and mining occurred between August 3, 1977 and November 5, 1990. The third initiative involves setting aside 10 percent of the total Title IV grants to Pennsylvania each fiscal year to establish an acid mine drainage abatement and treatment fund. The fourth initiative allows up to 30 percent of Title IV grant funds each year to be used for water supply replacement projects.

The draft Abandoned Mine Reclamation Plan Amendment is available for public review and comment. To be considered, comments must be submitted to and received by the Bureau of Abandoned Mine Reclamation, Department of Environmental Resources, P.O. Box 1467, Harrisburg, PA 17105-1467 within 30 days of the date of this Notice. A copy of the Abandoned Mine Reclamation Plan Amendment may be obtained by contacting your County Conservation District Office or the following DER offices:

Bureau of Abandoned Mine Reclamation  
P.O. Box 1467  
Harrisburg, PA 17105-1467  
Telephone: (717) 783-2156

Wilkes-Barre District Office  
Bureau of Abandoned Mine Reclamation  
93-95 North State Street  
Wilkes-Barre, PA 18701  
Telephone: (717) 826-2371

Ebensburg District Office  
Bureau of Abandoned Mine Reclamation  
122 South Center Street  
Ebensburg, PA 15931  
Telephone: (814) 472-9666

Note: These newspaper notices were published from February 18, 1992 to February 27, 1992.

31 Counties

Allegheny  
Beaver  
Blair  
Bradford  
Cambria  
Cameron  
Carbon  
Clarion  
Clearfield  
Clinton  
Columbia  
Crawford  
Dauphin  
Fayette  
Fulton  
Greene  
Huntingdon  
Lawrence  
Lebanon  
Lycoming  
Mercer  
Northumberland  
Potter  
Schuylkill  
Somerset  
Sullivan  
Susquehanna  
Tioga  
Washington  
Westmoreland  
Wyoming

DEPARTMENT OF ENVIRONMENTAL RESOURCES

NOTICE OF AVAILABILITY OF DRAFT OSM TITLE IV PROGRAM  
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Bureau of Abandoned Mine Reclamation  
P.O. Box 1467  
Harrisburg, PA 17105-1467  
Telephone: (717) 733-2156

Wilkes-Barre District Office  
Bureau of Abandoned Mine Reclamation  
93-95 North State Street  
Wilkes-Barre, PA 18701  
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122 South Center Street  
Ebensburg, PA 15931  
Telephone: (814) 472-9666

Note: These newspaper notices were published from February 18, 1992 to February 27, 1992.

14 Counties

Armstrong

Bedford

Butler

Centre

Elk

Forest

Indiana

Jefferson

Lackawanna

Luzerne

McKean

Venango

Warren

Wayne

Company. Amount: \$174,495. Date of Award: January 16, 1992.

(Pa.B. Doc. No. 92-333, Filed February 21, 1992, 9:00 a.m.)

### Availability of Draft OSM Title IV Program Reclamation Plan Amendment

The Department of Environmental Resources (DER), Bureau of Abandoned Mine Reclamation, is proposing to amend Pennsylvania's *Abandoned Mine Reclamation Plan*, under the provisions of the Federal Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, as amended. This amendment updates the Reclamation Plan originally approved in 1982 and incorporates the new Title IV Abandoned Mine Lands initiatives which are a result of the FY 91 Omnibus Budget Reconciliation Bill, P.L. 101-508. The first initiative involves reclaiming high priority bond forfeiture sites where mining occurred between August 3, 1977 and July 30, 1982. The second initiative involves reclaiming high priority bond forfeiture sites where the surety went bankrupt and mining occurred between August 3, 1977 and November 5, 1990. The third initiative involves setting aside 10% of the total Title IV grants to Pennsylvania each fiscal year to establish an acid mine drainage abatement and treatment fund. The fourth initiative allows up to 30% of Title IV grant funds each year to be used for water supply replacement projects.

The draft Abandoned Mine Reclamation Plan Amendment is available for public review and comment. To be considered, comments must be submitted to and received by the Bureau of Abandoned Mine Reclamation, Department of Environmental Resources, P. O. Box 1467, Harrisburg, Pa. 17105-1467 within 30 days of the date of this Bulletin. A copy of the Abandoned Mine Reclamation Plan Amendment may be obtained by contacting the following DER offices:

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122 South Center Street  
Ebensburg, Pa. 15931  
Telephone: (814) 472-9666

ARTHUR A. DAVIS,  
Secretary

(Pa.B. Doc. No. 92-334, Filed February 21, 1992, 9:00 a.m.)

### Notice of Final Action on Request for Certification under Section 401 of the Federal Clean Water Act of 1977

Except as otherwise noted, the Department of Environmental Resources, under section 401(a) of the Federal

Clean Water Act of 1977 (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301-303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

Final or proposed action on certain other Certification requests for projects which require both a Dam Safety and Encroachments Permit and either a United States Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with Applications and Actions filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1-693.27).

These actions of the Department may be appealable to the Environmental Hearing Board, 101 South Second Street, Suites 3-5, Harrisburg, Pa. 17101 (717) 787-3483 by any aggrieved person under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514); and 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the regulations governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Regional Office: Regional Water Quality Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, Pa. 19428

Requests Initiated by: Philadelphia Electric Company, 2301 Market Street, P. O. Box 8699, Philadelphia, Pa. 19101.

Project Description: Project involves filling 0.014 acre of an isolated wetland for the construction of a minor road crossing. Site is located near the intersection of Umbria Street and Domino Lane, at the Roxborough Substation. Project qualifies under Nationwide Permit No. 26 and Chapter 105 General Permit No. 7.

Final Action on Request: Certification Granted.

Requests Initiated by: Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Boulevard, P. O. Box 1396, Houston, TX 77251-1396.

Project Description: Project consists of the construction of a temporary road crossing of an unnamed tributary of Pickering Creek. Site is located in Charlestown Township, Chester County approximately 1.2 miles northeast of Devault. The project qualifies under Chapter 105 General Permit No. 8 and Nationwide Permit Nos. 3 and 14. The construction, which is proposed for March 1992, is being performed in conjunction with the company's remediation program.

Final Action on Request: Certification granted.

Regional Office: Chief, Planning Section, Williamsport Regional Office, Bureau of Water Quality Management, 200 Pine Street, Williamsport, Pa. 17701.

Certification Request Initiated by: James F. Johnson, Chief, Planning Division, U.S. Army Corps of Engineers, P. O. Box 1715, Baltimore, MD 21203-1715.

Date of Initial Pennsylvania Bulletin Notice: November 16, 1991.

Project Description: Recreational facilities at Curwensville Lake are proposed to be improved. The existing

**Remining and Reclamation Committee  
Mining and Reclamation Advisory Board  
March 26, 1992 Comments Concerning  
the Reclamation Plan Amendment Number 1**

Mr. Bernie Hoffnar was concerned that the subsidence projects were getting much smaller. It was explained that because of new OSM inventory criteria, large subsidence projects will be rare. He also had concerns that the entire Reclamation Plan should be amended and updated. Ms. Gail Rockwood of the Committee pointed out to Mr. Hoffnar that he would be better off if he dropped the idea of rewriting the entire Reclamation Plan and instead go ahead with his plans to develop an Environmental Plan for the Mineral Resources Deputate. He agreed. He was also concerned that the exhibits were not attached to the Reclamation Plan Amendment which he received. Exhibits were given to him and to all other members of the Committee. It was also explained that these exhibits were not ready for distribution until very recently. Mr. Hoffnar then asked how many comments we received and he was told. He then expressed concern that the comment period should be extended. It was explained to him that after OSM receives the Amendment, OSM will also have a comment period and probably have public meetings.

Ms. Gail Rockwood then had a concern that the Amendment was written too technically for a layman to read. It was explained to her that OSM and Department personnel had agreed that since the OSM regulations had not been passed yet concerning the new initiatives, the exact language in the Act was used in the Amendment so that it would not have to be changed again. It was also explained that this was better than waiting until the regulations are passed this Fall.

Mr. Hoffnar also commented at this meeting and at the full MRAB meeting on April 15, 1992, that the Amendment at the end of Part E, IV, should include a discussion of the use of wetlands or other new technology to reclaim AMD.