

MINING AND RECLAMATION ADVISORY BOARD (MRAB)

**Thursday, January 6, 2005
Rachel Carson State Office Building
1st Floor, Room 105
11:00 a.m.**

Members/Alternates in attendance: David Osikowicz (Chair), Jack Chamberlin (Member), Sue Wilson (Alternate), Stan Geary (Alternate), George Ellis (Alternate), Sue Germanio (Alternate), David Mankamyer (Member), Walter Heine (Member), Joe Deklinski (Alternate), Margaret Urban (Member), Burt Waite (Member), Fred Wolf (Member) and Richard Fox (Alternate)

Others in attendance: Joe Pizarchik (DEP), Nevin Strock (DEP), John Meehan (DEP), Mike Steiner (DEP), Mick McCommons (DEP), Jeff Kost (Pa. Game Commission), Keith Brady (DEP), Mike Terretti (DEP), George Rieger (OSM), Bruce Golden (Western Pennsylvania Coalition for Abandoned Mine Reclamation), Deb Simko (Western Pennsylvania Coalition for Abandoned Mine Reclamation), Scott Roberts (DEP), Brian Bradley (DEP), Bill Shakely (DEP), Joe Schueck (DEP), Shane McDonald (Malcolm Pirnie, Inc.), Sgt. Vince Babich (PA State Police), John Slade (DEP) and Lara Logan (DEP).

Meeting Called to Order

Chairman David Osikowicz called the meeting to order at 11:00 a.m. He welcomed everyone and asked them to introduce themselves. The minutes from the October 2004 meeting will be acted on at the April 2005 meeting.

Committee Reports

- No Policy Committee report.
- No Reclamation Committee report.
- The Regulation, Legislation and Technical Committee met before the Board meeting, discussing DEP's water supply replacement issues and resolutions. Using Pennsylvania Coal Association's response to the issues as a guideline, the Committee made some recommendations, which are attached to these minutes. Joe Pizarchik noted that DEP's Issue 1, regarding the obligation for payment of increased operation and maintenance costs of a replacement water supply being a right limited to the current owner or a right that runs with the land, was not completely resolved by the end of the Committee meeting. Joe Deklinski moved to adopt the recommendations as given by the Committee. Jack Chamberlin seconded the motion. The Board, with one dissenting vote cast by David Mankamyer, approved the motion. Committee Chair Osikowicz also recommended Jack Chamberlin to take his place as Committee Chair, and Mr. Chamberlin accepted.

Water Supply Replacement Issues/Resolutions

- Joe Pizarchik said DEP will look at the recommendations made by the Board and draft changes to the water supply replacement regulations. A list of the recommendations will be provided to the Chairman for review, and then will be distributed to all Board members. DEP will meet with OSM to make sure the draft regulations are not more stringent than the federal regulations. DEP will return to the Board with the regulation changes before going to the Environmental Quality Board with a proposed rulemaking.

District Mining Office Workload Analysis

- Michael Terretti, Director, District Mining Operations, gave an update on the workload of the District Mining Offices and provided eFACTS data. George Ellis asked what percentage of all complaints was considered valid. It was noted this can be researched in the eFACTS complaint tracking system. Mr. Mankamyer noted the number of complaints received in the Cambria District Mining office has doubled between 2003 and 2004.

Key Obligation: DEP to research the eFACTS system and provide a breakdown of complaint resolutions at the April Board Meeting.

Explosive Storage Magazine Security

- Sgt. Vincent Babich of the Pennsylvania State Police gave a short power point presentation on explosive storage magazine security. Storage magazine permittees will have to heighten security at magazine sites, have regular site inspections, and provide local police and fire departments, as well as DEP, with a list of all personnel and site locations of storage magazines.
- Stan Geary moved that the Board recommend that compliance with a DEP-approved explosive storage magazine security plan should constitute meeting the standard to prevent to the greatest extent possible access to the magazines. Burt Waite seconded the motion, and the Board unanimously approved it.

Primacy Bond Forfeiture Reclamation Program Update

- Mike Terretti reported on the Primacy Bond Forfeiture Reclamation Program (Program). The program has made the move successfully from BAMR to the District Mining Offices. Forty-three sites were put into a three-year plan to get them reclaimed.

BAMR Projects/Status Report

- Brian Bradley reported on the status of BAMR projects over the last quarter, and noted that all abandoned mine land data is now on eFACTS.

Stage 2 Bond Rate Study

- Board members had suggested that the bonding rate of \$500/acre for mine sites in Stage 2 bond release was excessive. John Meehan and Bill Allen of DEP conducted a study of Stage 2 approved coal mining sites during September and October 2004. After carefully reviewing 45 sites and the data for this study, the reviewing team recommended that the rate be lowered to \$300/acre.

Blanket Bonds

- Joe Pizarchik spoke on Blanket Bonds. DEP will meet with OSM as well as the mining industry, to explain the concept and ask for any concerns or issues with the program.

EPA Proposed Rulemaking/Mercury Standards

- John Slade, Bureau of Air Quality, gave a power point presentation on EPA's proposed mercury control requirements and regulation of emissions from power plants.

New Business

- Jack Chamberlin will take Dave Osikowicz's place as Regulation, Legislation and Technical Committee Chair.
- Joe Pizarchik gave a brief overview of the final amendment to § 86.152, Bond Adjustments. George Ellis made a motion to accept the amendment as revised, with Richard Fox seconding the motion. The Board voted and the motion passed unanimously.

A motion was made at 3:30 p.m. to adjourn the meeting. The motion was seconded and unanimously approved.