

DRAFT

MINING AND RECLAMATION ADVISORY BOARD (MRAB/BOARD)

Thursday, April 24, 2008

10:00 a.m.

**Rachel Carson State Office Building
Conference Room 105
Harrisburg, Pennsylvania**

Voting Members/Alternates in attendance: Patty Davenport (Alternate), Janis Dean (Alternate), Joe Deklinski (Alternate), George Ellis (Alternate), Duane Feagley (Alternate), Sue Germanio (Alternate), Darrel Lewis (Alternate), David Strong (Member), Nick Troutman (Alternate), Sue Wilson (Alternate)

Others in attendance: William Allen (DEP), Shuvonna Ballard (DEP), Bruce Carl (DEP), James Charowsky (DEP), Rod Fletcher (DEP), Curtis Kratz (Pennsylvania E & R), John Meehan (DEP), Richard Morrison (DEP), Joseph Pizarchik (DEP), George Rieger (OSM), Andrew Signore (DEP), Christina Simeone (DEP), John Stefanko (DEP), Mike Terretti (DEP), Kurt Weist (PennFuture)

Meeting Called to Order

David Strong, acting chairman, called the meeting to order at 10:00 a.m. He welcomed everyone and asked that they introduce themselves.

Adoption of Minutes

Mr. Strong called for a motion to approve the Board's January 10, 2008, meeting minutes. Mr. Duane Feagley moved to adopt the minutes as they were presented. Mr. Joe Deklinski seconded the motion. With the Board's unanimous vote, the minutes were adopted.

Correspondence

Mr. Strong reported that the Board had not received any correspondence since the last meeting.

Committee Reports

Policy Committee

No report

Reclamation Committee

No report

Regulation, Legislation and Technical Committee

No report

Alternate Bonding System (ABS) Legacy Funding Update

Mr. Joseph Pizarchik and Mr. William Allen, Department of Environmental Protection (DEP), provided the Board with updated information regarding the ABS Legacy Fund. Specifically, Mr. Pizarchik explained that the Department had incorporated the Board's conditions expressed when they voted to approve the ABS Legacy Funding Advanced Notice of Final Rulemaking (ANFR) during its January 10, 2008, meeting. Further, he reported to the Board that the ANFR was sent to the Environmental Quality Board (EQB) on April 15, 2008, and it was approved by that body. The measure is currently in the process to be considered for approval by the various commissions and entities that have authority on the item. With respect to the rulemaking itself, Mr. Pizarchik explained that the Department has met with representatives of the Office of Surface Mining and Reclamation Enforcement (OSM) in order to achieve an understanding of the scope of information which will need to be included in the program amendment when it is submitted to OSM for approval. He expressed the Department's desire to submit the rulemaking package and supporting data to OSM no later than the end of May 2008.

Answering a question asked by Mr. Joe Deklinski, Mr. Pizarchik explained that the Department does not have a deadline in which it must submit that rulemaking package and supporting data. He again explained that the Department would like to submit the information to OSM by the end of May 2008.

Treatment Trust Discharges Status Report

Mr. Allen continued with a Powerpoint presentation of information about ABS primacy bond forfeiture discharges. The following highlights were covered during the presentation:

- There are approximately 100 ABS discharges in the state.
- 30 sites have a functioning passive treatment system in place.
- Approximately \$2.5 million is needed to construct new treatment facilities.
- The operation and maintenance (O & M) costs for treatment facilities is approximately \$1.44 million.
- Approximately \$5.6 million is needed for recapitalization costs.

Mr. Allen's status report also included information regarding fiscal revenue, the total number of trusts/bonds for discharge sites, a financial summary of trusts and bonds, and maps and photographs depicting ABS discharges within the state.

Regulatory Rulemaking Packages Update

Mr. Pizarchik informed the Board that the Department's Mine Shaft Blasting rulemaking package and Surface Mine Safety rulemaking package had been approved by the EQB in April 2008, and are in the process for final approval.

2008 Bond Rate Guidelines and Technical Guidance Update

Mr. Bruce Carl, DEP, provided the Board with an update of the 2008 bond rate guidelines that took effect April 1, 2008. During his presentation, Mr. Carl explained that the Department averaged the cost of four recent reclamation projects, determining the reclamation cost to be \$0.91 per cubic yard. In addition, Mr. Carl and Mr. Allen offered a projection of the 2009 rates.

Continuing with the technical guidance update, Mr. Allen informed the Board that the Department is moving forward with a proposal to revise the conventional bonding program technical guidance document (TGD) in order to revise the manner in which mine sealing costs are addressed. The mine sealing costs, he explained, will be incorporated into the conventional bonding program. Mr. Allen invited the Board to submit any comments specific to that proposed measure, or comments related to any part of the conventional bonding program, to the Department for consideration.

Total Maximum Daily Load (TMDL) Update

Mr. Allen explained that on behalf of the Department, he had drafted a TMDL TGD which he anticipates will be published for public comment by the summer. In addition, he noted that of 360 AMD TMDLs which needed to be addressed, 234 are complete and the remaining 126 must be completed by April 2009.

2007 Remining Incentive Report

Mr. John Meehan, DEP, explained to the Board that the 2007 Remining Incentive Report, which each member had received a copy prior to the meeting, had been condensed compared to previous yearly reports. After providing an overview of the information contained in the report, Mr. Meehan invited the Board to submit comments no later than May 7, 2008.

Bureau of Abandoned Mines Reclamation (BAMR) Projects/Status Report

Mr. Brian Bradley, DEP, reported that in 2007 there were 108 reclamation projects completed at a cost of \$17.5 million. These projects resulted in the reclamation of 620 acres of land and included projects for waterline extension and AMD abatement.

Continuing, Mr. Bradley explained that there are currently 71 active reclamation projects at a contract cost of \$80.9 million. These projects will restore approximately 2,472 acres of land. He noted that these projects include a broad range of other reclamation activities such as waterline extensions, subsidence control, acid mine drainage abatement, innovative treatment technology and resource recovery, and stream restoration.

There are currently 203 reclamation projects in the planning and design stage. Based on projections, funding for these anticipated projects will exceed \$122 million. The projects will address 5,200 acres of reclamation.

New Business

Mr. Strong expressed concern about the funding of state operated water treatment plants. Specifically, he explained that the costs for operating these facilities were funded by a portion of the 10% set-aside of the Title IV fund provided to the state by OSM. Mr. Strong suggested that these costs should be a line item in the Commonwealth's fiscal budget each year to ensure adequate funding. Further, he suggested that the Board discuss the matter and make such a recommendation to the Department. After some discussion, Mr. Roderick Fletcher, DEP, explained to the Board that BAMR was in the rulemaking process regarding federal funding of abandoned mine reclamation and suggested that any recommendations by the Board be submitted during the comment period of this rulemaking package.

Mr. Strong confirmed that the Board's next meeting, which will include the Board's annual field trip, was scheduled for 1:00 p.m. on July 24, 2008, at the Pottsville District Mining Office. Mr. Duane Feagley made a recommendation that for the sake of time and convenience, the location of the field trip, which will be held on July 25, 2008, be in Schuylkill County. With the Board in agreement, Mr. James Charowsky, DEP, was asked to schedule the final arrangements for the event.

The final item of new business discussed was the MRAB officers election requirement report being prepared by Ms. Sue Wilson, Mr. George Ellis, and Mr. Joe Deklinski. Ms. Wilson informed the Board that the final election requirements report will be presented at the July 2008 meeting.

Adjournment

With no further questions or comments, Mr. Strong called for a motion to adjourn the meeting. Mr. Feagley made a motion to adjourn, and Mr. Deklinski seconded the motion. The meeting was adjourned at 12:07 p.m.