



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

May 19, 2008

Secretary

717-787-2814

Mr. David Osikowicz, Chairman
Mining and Reclamation Advisory Board
c/o Original Fuels, Inc.
P.O. Box 343
Punxsutawney, PA 15767

Dear Mr. Osikowicz:

Pennsylvania's General Assembly created the Mining and Reclamation Advisory Board (MRAB or Board) to:

"assist the secretary to *expend the funds* for the purposes provided by this act and to advise the secretary on all matters pertaining to mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, *selection of reclamation projects*, alternate reclamation methods, obligations for preexisting pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods."

(PA SMCRA, 52 P.S. 1396.18g) [emphasis added]

I am writing to request the MRAB to provide me assistance in expending present and future funds provided by both the Pennsylvania General Assembly and the government of the United States for abandoned mine reclamation. Further, I am requesting the Board's advice on changes to Pennsylvania's Comprehensive Plan for Abandoned Mine Reclamation necessitated by changes in the U. S. Department of the Interior's Office of Surface Mining's ~~Title IV~~ Abandoned Mine Reclamation Grant Program.

As background consider that, following reauthorization of the abandoned mine land (AML) fee and restructuring of the Title IV grants by Congress, the Department of Environmental Protection (Department) has engaged in significant public participation to get a sense of the public will regarding the administration of Pennsylvania's Abandoned Mine Reclamation program. Among the myriad of comments received was a request to establish a separate advisory board on abandoned mine reclamation. The rationale behind this request was compelling but the desired result was not.

In a letter dated August 17, 2007, the Western Pennsylvania Coalition for Abandoned Mine Reclamation stated the rationale as:

"As is the case anytime the magnitude of a problem dwarfs the resources available to address it, choices are necessary in deciding which part of the problem is to be addressed. In this case, some of those choices will be particularly challenging. We believe this is a perfect opportunity to call upon individuals and organizations outside the Department to come together with the Department in forming a permanent advisory committee for the purpose of helping to formulate future directions for Title IV funding."

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I agree. The members of the public who, inspired to make their community better, voluntarily join together as Watershed Organizations and give significant time and resources to dealing with the scars of Pennsylvania's historic mining do need a regular forum within which to exchange ideas and to get regular briefings on the Commonwealth's efforts.

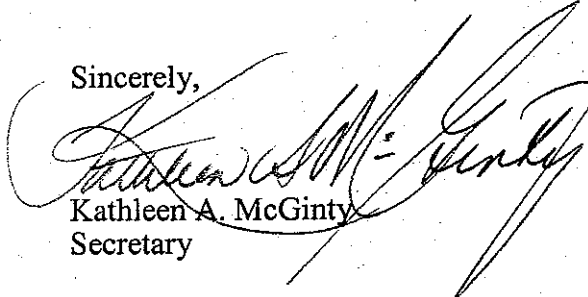
I do not agree with the need for a separate advisory group on this subject. It is clear that the General Assembly anticipated the MRAB serving this purpose. The MRAB, through its statutorily defined membership, provides important links between the Legislative and Executive Branches of state government; between the active mining industry and the reclamation industry and between the public and mining professionals.

Therefore, I am requesting the MRAB assist me in the expenditure of state and federal mine reclamation funds through review of spending plans prepared and submitted by the Department and to advise me on process and program changes related to the selection of abandoned mine and bond forfeiture reclamation as well as abandoned mine drainage (AMD) projects. Of particular importance to AMD remediation efforts is funding for future operation and maintenance costs. It is my clear intent and direction to DEP's staff that they will provide you with the knowledge and tools necessary for the MRAB to provide this service.

Membership on the Board is specified by law. To the extent that that does not provide for sufficient input from Watershed Organizations or coalitions, then the MRAB could accommodate representatives from these types of organizations as ex-officio members of a duly-appointed committee of the Board provided that such standing does not provide voting status on the board itself. If requested, the Department can provide a list of these groups for your consideration.

If you have questions or comments, please contact Deputy Secretary J. Scott Roberts, Office of Mineral Resources Management, by e-mail at jayroberts@state.pa.us or by telephone at 717-783-5338. If you wish, Mr. Roberts is available to discuss this request at an upcoming board meeting.

Sincerely,



Kathleen A. McGinty
Secretary