

Regional Coordinator's Report

Bruce Golden

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Mine Water Treatment Conference

Progress on this year's annual conference continues. It will be held at the Pittsburgh Sheraton Station Square, August 16-18. The formal conference will include three days of technical presentations, 2 devoted to AMD treatment technologies and 1 to resource recovery. The presenters represent expertise from across the country. A free technical session on AMD chemistry and treatment will be held on Monday, August 15. The conference is a partnership with OSM, DEP, EPCAMR, SAC, Kiski-Conemaugh Initiatives. More information and registration info can be found on the website www.treatminewater.com.

DEP Future Funding

Governor Rendell and the PA Legislature came to an interim compromise on an amount to be placed on the May 17 ballot. The referendum, if passed, would allow the Commonwealth to borrow up to \$625 million for environmental projects explicitly including abandoned mine reclamation and acid mine drainage. Because the two sides were unable to come to a compromise on a mechanism to pay for the bond, that issue has been tabled and will be taken up if the referendum succeeds.

Although there appears to be support for environmental initiatives in the polls, voter turnout is likely to be quite low for this off-year primary. That likely low turnout makes every vote count, especially for a referendum issue that could easily be missed in the voting booth. A number of groups, including WPCAMR, have been working to raise awareness on the referendum and the need to get out the vote.

105 Permitting Update

Kelly Heffner of DEP Bureau of Watershed Management who is heading up the effort to have 105 permitting revised indicated that BWM and BAMR are in agreement about waiving permit requirements for obstructions that collect AMD. For flexibility, as much of the language will set by policy, as opposed to being written directly into the regulations. There appears to be general support among the various DEP regions for this change. Conservation districts appear to be mixed in their support, as are some environmental groups. Mechanisms to address misgivings, such as an additional comment period, are being considered. The short term action items include:

- Preparing a draft rewrite of 105
- Holding a meeting in June of CD's to discuss the draft, etc.
- Publishing a proposed rewrite in the PA Bulletin late this year or early next year.

It appears that I will be able to attend the June meeting mentioned above.

Abandoned Mine Reclamation Fund Update

After a long period that saw little activity regarding the reauthorization of Title IV of SMCRA, things have started to heat up. An additional 3 month extension until September 30, 2005 expiration date is all but certain by work directly attributable to Sen. Byrd (WV) and Sen. Specter (PA) in the Senate Appropriations Committee. Representatives Cubin (WY) and Rahall (WV) have reintroduced a bill for reauthorization that is very similar to that introduced last year. Sen. Thomas (WY) has also introduced a Senate bill that is similar to what he introduced last year. Both of these bills are generally believed to favor interests from western coal producing states.

Rep. Peterson (PA) is expected to introduce a bill into the House within 2 weeks. We understand this bill will be largely modeled on the legislation he introduced last year but with modifications. His bill last year recognized the difficulties faced in the Appalachian states and would have directed more resources to where the problems are. This year's bill may even do more. For example, there is no reduction in the fee over time as last year's bill provided. At this point, no Senator has stepped up who would be willing to introduce a similar bill in the Senate. We believe Senator Specter is a possibility, but he would need to be persuaded by a show of support. Senator Santorum has also been supportive of the reauthorization, but whether or not he could be enlisted to be a co-sponsor on a bill is nebulous.

Trout Unlimited is the only national group to have publicly endorsed reauthorization with a number of specific recommendations that are aimed at addressing reclamation issues. Behind the scenes, an informal coalition is working to advance the reauthorization. Coordinated by John Dawes of the Western PA Watershed Program, the group also includes members from PA Environmental Council, W PA Conservancy, S. Alleghenies Conservancy/Trout Unlimited, EPCAMR, WPCAMR, Mountain Watershed Assn., and the Audubon Society. A Washington insider has also been giving advice on the matter.

As a starting point for this group in developing position and strategies, we will use a multipoint document developed two years ago by roughly the same group. See addendum. Additionally outreach to other states will also be made to enlist support. WPCAMR has strong ties to the Eastern Coal Regional Roundtable and will work through that organization for interstate support.

WPCAMR has also created a website in support of this effort. Although still a work in progress, the website will give a variety of background information to better understand the legislation and will also highlight both issues and positions in supporting new legislation. The new website may be accessed via <http://AMRClearinghouse.org>. Look for "UPDATE on AMRF Reauthorization".

DEP RFP Submissions by WPCAMR

WPCAMR was the sponsoring organization for innovative grants dealing with mine water treatment and resource recovery:

- In-situ treatment of mine pool water
- Innovative treatment technology utilizing activated iron solids for the removal of iron in a variety of chemical environments.
- Demonstration of pond optimization techniques for collecting iron oxides

- Investigation and optimization of vertical flow pond flushing systems for vertical flow ponds
- Investigating the feasibility of using a mine pool for combined sewage and AMD treatment.

WPCAMR was the sponsoring organization for an innovative economic development grant dealing with mine pools:

- Deep mine pool usage for CCB slurry production

Growing Greener Grants

WPCAMR is currently administering 4 Growing Greener grants:

- TAG II: Scarlift Digitization and Website. This grant will expire June 30 with scope of work exceeded and under-budget.
- Decision Maker Grant. This grant will expire June 30 with scope of work exceeded and under-budget.
- Revisiting 18 WPCAMR Passive Treatment Projects: well under way, all but 4 treatment systems have been investigated to date.
- Monitoring Support for Passive Treatment Systems: this grant is still getting under way as we still have not received the completed contract. Data management system work has begun.

C-SAW Program

WPCAMR has formally joined the C-SAW (Consortium for Scientific Assistance to Watersheds) (funded by a Growing Greener Technical Assistance Grant) and can now offer assistance to western PA watershed groups. One possibility is to offer workshops to watershed groups on a variety of topics on a regional basis. We are also able to offer individualized assistance to watershed groups. See addendum for more details.

Exploiting the Power from AMD Discharges

An ad-hoc work group met in Ebensburg to discuss possibilities of harnessing the energy in AMD discharges to generate electrical power. For most realistic situations, a minimum combination of flow and head will be needed to drive a turbine to make most investments and power outputs worthwhile. Other issues such as the corrosiveness of the water and metals precipitation may present challenges to the equipment. Integrating the power generated by a discharge with the “grid” also represents additional expense and challenges. All in all, it was felt that exploring the concept further for larger discharges could have merit. An engineering college instructor expressed interest in defining, as a class project, an envelope where capturing the power of discharges may be practical. More information can be found at <http://AMRClearinghouse.org>. Look for “Out of the Box” topic and choose “[micro Hydrogeneration](#).”

Low pH Iron Oxidation

At the West Virginia Surface Mining Drainage Symposium a very interesting presentation was given by Tiff Hilton. Tiff described a situation where a low pH, high iron discharge from a deep mine was captured in a concrete trench that flowed down a hillside for several hundred feet. When the water from the lower end of the trench was analyzed, the water had lost about half of its acidity and about half its iron. No other water was diluting the discharge. What's really odd, the iron seemingly has disappeared without a trace. This phenomenon has supposedly been seen elsewhere and there is as yet no good explanation on what's happening. If this phenomenon can be explained and the conditions to make it happen can be reproduced at will, a potentially cheap and simple new tool for reducing acid and metals loading and reducing sludge volumes may help to make passive treatment more versatile. I think pushing for some research into what's going on is merited. More information can be found at <http://AMRClearinghouse.org>. Look for "Out of the Box" topic and choose "[low pH iron oxidation](#)."

AP Reporter Tour

Bob Eppley and I gave a tour of treatment sites to Associated Press reporter Dan Nephlin, who is working on a multi-part series on abandoned mine reclamation, especially as it relates to the reauthorization of AMRF. That series is due to be published in June.

Administrative Update

- Line of credit: now have a line of credit up to \$35,000 from First Commonwealth Bank
- All aspects of payroll have been taken over by WPCAMR (previously done through Westmoreland CD)
- Transition made from Westmoreland CD server to WPCAMR server: due to space limitation problems on Westmoreland CD server, WPCAMR has made the transition to using it's own network and server. Additional backup capability was added to protect data since WCD no longer offers that service.

Activities for Technical Assistance Program

WPCAMR

Western PA Coalition for Abandoned Mine Reclamation

I. Organization/Outreach

- Assist with organizational startup activities, publicity, overview of the roles of various organizations and agencies, and involving suitable watershed partners.
- Attend planning and organizational meetings as needed.
- Providing meeting facilitation.
- Planning a campaign to reach and involve local decision makers

II. Watershed Specific Technical Assistance

WPCAMR can provide technical assistance in areas of expertise through phone conversations and e-mails and meetings. The watershed specific technical assistance is focused on, but not necessarily limited to western Pennsylvania. The assistance provided, will be tailored to watershed specific needs, particularly those concerning abandoned mine impacts. Areas of expertise include but are not limited to:

- General Technical Consulting (from basics to applications of chemistry, biochemistry, chemical engineering)
- Watershed/Stream assessments/planning/performing/interpreting results
- Treatment concepts and chemistry /chemical engineering design assistance (all civil with PE) (including doing the best with the available land and resources)
- Restoration planning (priorities, trade-offs, etc.)
- Industrial water treatment/uses/discharges (training and design)
- Applied R&D – water /AMD treatment/ processes/ innovative methods

III. Mentoring

Work with watershed groups in the bituminous coal region.

Mentoring will be specific to the needs of the individual group or groups and will generally be in workshop format. Subject matters include but are not limited to:

- Understanding Abandoned Mine Drainage and Passive Treatment Systems
- Understanding the role of waste coal power plants in abandoned mine reclamation
- Assistance with planning/strategies for volunteer recruitment and retention
- Choosing a consultant
- Grant writing
- Writing a Request for Proposals (RFP)
- Assistance with various computer applications (call for specifics)
- Training (chemical, biological, and visual) for volunteers to teach proper methodologies and protocols to implement successful monitoring efforts based on their study design
- Assistance with quality assurance/quality control.
- Assistance with data interpretation and utilization

IV. Quality Control for Water Chemistry

WPCAMR will assist with quality control for water chemistry through discussions with watershed organizations and recommendations to them for participation in the QA/QC component of the Study Design for the PA DEP's Citizen's Volunteer Monitoring Program.

V. Reporting

WPCAMR will submit quarterly activity reports to the Pocono Northeast Resource Conservation and Development Council and will assist with annual reports and the final report.

Abandoned Mine Reclamation Fund Reauthorization Priorities

Reauthorization of the Abandoned Mine Reclamation Fund is important to protect our communities and families from hazards posed by coal mines abandoned before 1977. Dangerous shafts, mountains of black waste, polluted waters, and depressed economies afflict ½ of the citizens of the United States. The Abandoned Mine Reclamation Fund is the primary source of money available to fix these problems. We have successfully used the fund to clean up toxic mine water, extinguish mine fires, and eliminate other dangerous abandoned mine hazards. Public health and welfare, restoration of the land, and cleaning of polluted streams requires congressional action by September 2004. Failure to act continues a cycle of depressed economies and unemployment while exposing our communities and families to health and safety hazards. Congress needs to act now and reauthorize the Abandoned Mine Reclamation Fund.

Reauthorization by September 30, 2004

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Reclamation Fund to reclaim areas abandoned before modern environmental standards required mine operators to reclaim their sites. Income to the fund is generated by today's mine operators on every ton of coal they mine – ranging from 10 to 35 cents/ton. Money from this fund is distributed to coal mining states like Pennsylvania to support abandoned mine reclamation programs. **Collection to the fund is set to expire on September 30, 2004. Public health and welfare, restoration of the land, and cleaning of polluted streams requires congressional action by that date.**

Funding for water (Abandoned Mine Drainage)

Abandoned mines leak acidic, alkaline, and metal-contaminated water, polluting public water supplies, destroying fish and wildlife habitat, depressing local economies, and threatening human health and safety. Pennsylvania is representative of eastern coal states with abandoned mine drainage (AMD) problems, and abandoned mine drainage is the

largest contributor to water quality impairment in the Commonwealth. Over 3,000 miles of Pennsylvania's streams are impaired by AMD. **It is critical that abandoned mine drainage problems continue to be eligible for funding.**

Keep priorities 1, 2, and 3

Three priority areas are eligible for funding to correct adverse effects of coal mining practices under Title IV. Priority 1 provides for the protection of public health, safety, general welfare, and property from extreme danger. Priority 2 provides for the protection of public health, safety, and general welfare. Priority 3 provides for the restoration of degraded land and water resources and the environment. States have the discretion to use their allocations from the Fund for projects falling into any of the three priorities. **The current priorities should be maintained, including the ability to fund water-related projects under Priorities 2 and 3.**

Full allocation to states of future fees

As of March 31, 2003, the Fund has an unappropriated balance of over \$1.4 billion. The state share of this balance is almost \$939 million. (Pennsylvania maintains the third highest balance at \$53.2 million.) **Future collections to the Fund should be fully allocated for their intended purpose of cleaning up abandoned mine problems.**

Encourage redevelopment of abandoned mine lands

As abandoned mine lands are reclaimed, they offer potential locations for economic development projects. By developing and marketing abandoned mine lands that would normally struggle to attract new investment, these "grayfields" can be turned into regional benefits by creating economic opportunities, preventing sprawl, and conserving open space and natural resources. For example, government facilities could be encouraged to locate on these sites rather than on previously undeveloped green spaces. **States should be able to use Title IV funds in ways that promote reclamation, leverage private investment,**

and, where it is appropriate, encourage redevelopment.

Reformulation

Many states that fueled the coal boom in the early and middle part of this century currently have low coal production, yet they have the largest legacy of adverse mining impacts from before 1977. Currently, the federal share of collected monies is allocated based on 40% for current production, 40% on historic production, and 20% to the Rural Abandoned Mine Land Program (RAMP). RAMP has not been funded in the last eight fiscal years. By shifting RAMP funding to the General Fund it allows the program to receive appropriations under the Agriculture Appropriations bill. Hence, the 20% dedicated to RAMP could then supplement the historic production allocation. This will allow states with the most pre-1977 problems to correct them much more quickly. **The allocation formula should be changed to 60% historic and 40% current production.**

Take the program off-budget

Each fiscal year, the President and Congress must appropriate monies from the fund as part of the federal budget process. As a result, the Fund is subject to political pressures and fiscal pressures from other federal programs. **The fees collected to the fund should be returned to states and tribes without the need for appropriation each year, thus ensuring that the funds will be used for their intended purposes.**

Increase the minimum program funding to \$4 million

States which have significant AML problems, but which have small AML programs, are supposed to be guaranteed minimum funding of their programs by statutory mandate. Since 1990, this funding has been set at \$2 million. In many years, minimum program states have received significantly less. Increasing this amount would help make up for past under-funding and ensure that states with significant

AML problems but low production would be able to continue running effective programs. This potentially effects eleven states. **Annual funding for minimum program states should be raised to \$4 million.**

Non-primacy states should get a guaranteed minimum

States which do not have their own coal regulatory programs are not eligible for a 50% share of funds collected in the state or funding based on historic production. Federally managed (non-primacy states) programs should be guaranteed minimum program funding if they demonstrate the ability to operate an effective abandoned mine reclamation program. This would enable a state like Tennessee to mitigate the damage in one decade instead of four.

Maintain transfer of interest to the Combined Benefit Fund

Interest generated on the Abandoned Mine Reclamation Fund is currently transferred to the Combined Benefit Fund to defray health care costs for retired miners and their dependents whose companies have gone bankrupt or are no longer in business. The CBF pays for health care expenses remaining after Medicare and Medicaid reimbursement and pays for prescription drugs. There are approximately 60,000 beneficiaries, whose average age is 78 years old. **The transfer of interest to the Combined Benefit Fund should continue.**

Extend the end date

The scope of the abandoned mine problem continues to outpace available resources. Based on current funding levels, projected future production, and estimated costs of cleaning up inventoried sites, it will take 25 years to address abandoned mine problems. Extending the program 25 years would honor the intentions of the original law to unburden communities plagued by unreclaimed coal mines. **The program should be extended until at least 2029.**