

WPCAMR
Western PA Coalition for Abandoned Mine Reclamation
Quarterly Meeting Minutes
August 28, 2008
Westmoreland Conservation District Office
Greensburg, PA

In attendance:

Greg Phillips, Westmoreland CD
(Treasurer)
Jim Panaro, Robindale Energy
(Secretary)
Bruce Golden (Staff)
Andy McAllister (Staff)
Anne Daymut, Indiana CD
Lisa Snider, Greene CD
Mark Killar, WPC
Tom Grote, SRI

Jeff Fliss, PA DEP
Kim Lanich, Elk CD
Thurman Korn, WCWA
Rob Cronauer, Westmoreland CD
John Stefanko, PA DEP, MRM
Dave Kemp, Somerset CD
Jim Eckenrode, Blair CD
Pam Milavec, PA DEP, BAMR

WPCAMR Business Meeting:

Meeting chaired by Greg Phillips and called to order at 10:45am. Everyone present introduced themselves.

Greg welcomed attendees and asked everyone to review the minutes of the past meeting. While minutes were being read, Greg asked everyone to introduce themselves.

Secretary's Report (Greg Phillips for Jim Panaro):

Review of past meeting minutes. No comments on the minutes.

Motion (Daymut/Cronauer) to accept the minutes. Passed.

Treasurer's Report (Greg Phillips): Greg said that within the general fund there are operational reserves and we'll work on a spreadsheet to better explain that and have things broken out for the next meeting. Bruce Golden said we're an open book and if anyone wants to see the numbers in the meantime to come and see him

See also treasurer's report.

Motion (Cronauer/Daymut) to accept the treasurer's report. Passed.

Greg said that if anyone has an additional item that requires action, say so and we'll talk about it. No one had any additional items.

Greg wanted to discuss WPCAMR's Quick Response application.

Jeff Fliss: What are the numbers left in quick response now?

Pam Milavec: About 186k plus 100k from last year.

Jeff: how much spent so far?

Pam: original grant was for \$450K so we spent about \$270K

Jeff: Are you getting it just in case?

Bruce : We do them as they come...we'll do our best to fulfill those requests.

Greg: Bruce, can you explain what we did for the application?

Bruce: We've been successful at getting 2 Growing Greener grants; one for \$350,000 and an add-on for \$100,000 and then the last one was for \$100,000. So that's all been approved and partially executed. In this last Growing Greener round, we applied for more-- to the tune of about \$250K.

Jeff: The watershed specialists should know that you can do non-mining as well. It doesn't have to be anything related to mining.

Pam: Yeah, any type of watershed restoration projects that are growing greener eligible.

Jeff: It was originally meant for mining related things but not now.

Bruce: The language said it has to be Growing Greener eligible....so far, it's been mining related projects...

Pam: We had a stream bank project in Armstrong county...

Jim: What's the timeline for those funds?

Bruce: We have about another year left on this grant for the about \$180k-ish until June 30 of '09, and the \$100k we just got is for 2010...so we have a couple years yet.

Jeff: It surprises me that when you get the money you have to spend it within 3 months...

Lisa Snider: Is this for a failing project?

Pam: Yeah, the ones we see often are for systems that are failing or due to storm damage...failure has to result in adverse impact to the system...it has to be something that needs quick response to prevent loss to stream habitat.

Bruce: We have turned down some...one asked for fencing around a sedimentation pond...in that case, the township was enforcing a regulation...we didn't consider that to be an emergency situation.

Jeff: Have you turned down any due to neglect?

Bruce: We never had any of that sort yet...we get application for things we hadn't anticipated at all....

Bruce then gave an account of how the quick response works.

Pam: If someone has a system that fails, they have to get a contractor to get a cost estimate.

Bruce: We're proud that this has been part of the Department's overall program to deal with OM&R...for now it's a good mechanism to handle these emergency situations.

Greg: Okay. Jim Panaro is with us, welcome Jim.

Greg: We'll do Bruce's report first.

Regional Coordinator's Report (Bruce Golden):
See report for details. Report on meeting webpage.

Bruce then mentioned the PADEP position paper and treatability guidelines.

Bruce also mentioned Joe Pizarchik's presentation at the AMR Conference on a program where watershed groups can participate in addressing discharges that are part of the Alternate Bonding System.

John Stefanko: Basically due to some litigation, we are addressing some discharges that are part of the alternate bonding system...we are bound to address these discharges, we are looking for help from anybody...we do have funding available, we are trying to do as much as we can, if there are watershed groups out there who could help....there is funding available...if it isn't on the website yet, it will be. Joe (Pizarchik) wanted to be here today but couldn't, he said he's willing to meet with any group or individual and will come out to another WPCAMR meeting.

Bruce: Thanks John.

Mark Killar: Is that all pre-primacy stuff?

John: No, we used to be called alternate bonding which was a flat rate for reclamation, these alternate bonding sites...all of these sites that are forfeited, it doesn't matter if it's 2 gallons per minute or a hundred gallons per minute...they're pretty much all not pre-primacy.

Bruce: Joe Pizarchik did have a PowerPoint at the conference...I have it here if you want to look at it now...it'll be available at the conference website in a couple of days...I'll have the link to the presentation posted...it'll be on the presentations page...this actually reads pretty well as a narrative, it's an interesting program and some watersheds will definitely be able to take advantage of and get some income for their own operations as well.

Bruce finishes his report.

Watershed Coordinator's report (Andy McAllister):
See report for details. Report on meeting webpage.

Conservation District/Agency/Watershed Association reports (All present):
Those in attendance reported on current and future activities within their respective organizations

Break momentarily for lunch at 12:28

Resumed meeting at 12:45

NEW BUSINESS

WPCAMR Advisor Garry Price Deploying on Active Duty to Iraq

Bruce explained that Garry Price is being deployed and wanted to know if anyone had any ideas for a gift for him from WPCAMR.

Lisa: What about cell phone calling cards to call home?

Bruce: That's a good idea!

Possible MRAB board position opening

Bruce then mentioned the potential for an opening on the Mining Reclamation Advisory Board in Harrisburg (MRAB) and said that he'd like to try to be on that board. Bruce asked the WPCAMR board if that is something that they want him to pursue?

Bruce: I'm asking for some advice on that...also, I would have to somehow deal with the fact that since the position is designated for CD's, I or anyone would have to at least become an associate director for a CD so I would likely go where I live to Fayette CD to do this....any feelings on this?

Jim Panaro: I would say find out the requirements of both boards--otherwise yeah, it's a good idea. How often does MRAB meet?

Bruce: Four times a year. Also, MRAB may or may not become active as an advisory capacity for the Title IV stuff..

Jim: You couldn't give yourself money?

John: It's just an advisory board...

Bruce: It is possible that there could be situations where I'd have to rescue myself...

Greg: Does Eppley have an opinion?

Bruce: Bob hasn't given me his opinion yet.

Greg: When will you know by?

Bruce: Not immediately.

Greg: It doesn't sound like there are any objections but we can always take it to the executive committee if we had to.

A Prevailing Wage Development

Andy explained that recently he heard from the Association of Builders and Contractors in Harrisburg that there is an upcoming meeting of a coalition of diverse groups who would like to see changes in the Prevailing Wage situation. Andy asked the board if they would like him to attend.

Motion (Daymut/Fowler) for Andy to attend the Prevailing Wage Coalition meeting in Harrisburg. Passed.

On Development of a Policies and Practices Manual

Greg: Well, now on to the policies/practices manual...with the conference and smcra stuff going on, it's been hard for Bruce and Andy to do this. We'll table this but ask staff to create a draft/outline to what it will be so we can cover that at next meeting...

Bruce: We'll be able to take care of that.

Greg: Bruce keeps wonderful accounting of our resources....you all don't exactly know where our budget is in terms of what is spent and what is remaining...I ask Bruce for the benefit of all to break down the budget in what's remaining and what's spent.

Bruce: There's a breakdown of stuff in general fund, it's a hodgepodge...e.g. we use the general fund for the conference expenses...we have mechanisms in our accounting system to deal with that but all you all get is a single number so I will separate things out so we know which part of the budget is available for operating issues with us...we'll include it all as a better picture for you.

Greg: We have two topics left?

Bruce: Would you rather have an open discussion for Harrisburg or Rulemaking?

Jim: Rulemaking first.

SMCRA Title IV Proposed Rulemaking and WPCAMR's comments

Bruce explained the proposed rulemaking from OSM and some potential comments from WPCAMR. The deadline for comments is tomorrow Friday, August 29th.

Bruce began with a discussion of the definition of "hydrologic unit" and how the use of stream order would fit into the rulemaking.

Pam: sometimes "order" is open to interpretation...so I thought it would open us up to debate...but I figured maybe we should look at HUC codes instead. As a result of our discussion I found a good bit on HUC codes online...the other concern I had Bruce, is that it [stream order] limits us to size...our approach is what area of a stream would benefit from our restoration work. We figured our hydrologic unit would be defined by where the benefits would be. We're working through the Upper West Branch of the Susquehanna and there, the hydrologic unit we propose would extend to the Curwensville dam so we're looking at the 8 digit HUC code...there's some good restoration plans in place in that watershed so the 3rd order stream definition would restrict us.....

Bruce: My reasoning was that [with comprehensive restoration]if you could pick and choose what is most strategic you wouldn't have to buy the little discharges....

Pam: My impression is that [with comprehensive restoration] if we define a hydrologic unit we don't have to do every discharge in that unit but we have to define what the restoration goals are for that watershed.

Bruce: I would say that if that's the case and comprehensive manner is as you say, we could in fact use this system simply by making using higher stream orders....the problem with the HUC codes 8, 10, 12 is that they don't have much fine structure, so if that fine structure is not important then HUC as defined by USGS is fine and I have no problem going to that if working at a finer order is not necessary.

Mark: Bruce and I discussed this and my thinking is kind of like Pam's. I felt that most watershed groups probably plan in the HUC 10 code and it seems to be a fairly manageable size and I didn't feel that the language meant that by comprehensively you didn't have to clean up everything in that watershed. My thought was to look at the normal size watershed that people work with now. With our organization (Sewickley

Creek Watershed Association) is a HUC 10 and it's manageable. Most groups plan on a 10 scale. I think planning on the larger scale is better.

Bruce: I see some dangers in that.

Tom Grote: Comprehensive meant to me that you'd take care of the priority discharges...not the little ones.

Bruce: I hope you can understand this fine point. I don't mind if we have to define multiple hydrologic units to define the watershed...it would be more strategic..I am concerned that if you do a big one, you take a chance of taking money away from you [smaller watersheds].

Pam: Here's the concern...any bookends will cause us problems...if we limit to a small watershed it'll be difficult to show benefits...

Bruce: I see.

Pam: I'd like it to leave it up to the states...but keep whatever definition flexible for that state.

Bruce: I was hoping this would happen, it's good to have the discussion

Pam: Yeah, the discussion is great!

Bruce: However it all turns out is okay with me.

Pam: The other complication is TMDLs..so this might be beyond whatever any of us have in front of us.

Bruce: It's incumbent on us to think through what we're doing so we don't have any unintended consequences...by starting somewhere at least forces us to address the issue.

Greg: So, what do we need?

Bruce: Do we want a definition to hydrologic units?

Jim: Is the state water plan is updated?

John: It's in process.

Pam: By the way, the 319 program is going by 12 digit HUC.

Greg: Okay Bruce, summarize whatever else you have and we'll put it out for motion.

Bruce: Let's talk about the definition of adjacent, then afterward we'll talk about the in-lieu of funds.

Greg : So we have:

Hydrologic unit, Comprehensive manner, Adjacent, and Replacement funds.

Jim: If we're going to vote on this we should hear what the other comments are too [for the other two points listed].

Bruce: Two things...funding for minimum program states...the other issue is for the 30% set aside--you can't take 30% for the entire grant the state gets...with the new legislation, OSM has ruled that money coming from the treasury is not eligible for 30% set aside...we're saying we want to be able to include those treasury funds in the calculation for the set aside.

Greg: So, the decisions are: the feeling is 30% --get as much as you can.

Minimum program for other states \$3 million—we're okay with that.
In lieu of funds--use for mining related problems.
Adjacent: do you feel there should be a hydrologic adjacency component added?.
ALL: yes.

Greg: Do we have a motion to accept Bruce's comment on rule making as such without the comment on hydrologic unit?

Motion (Daymut/Eckenrode) to have Bruce comment on the rulemaking as stated without the comment on defining Hydrologic Unit. Passed.

Open Discussion on DEP Set-Aside Position Paper and Treatability and Site Selection Draft Document

Pam: I can tell you a couple of things...more about the treatability document.
Pam explained a little about the documents.

John: The set-aside position is a draft but it will be finalized soon.

Bruce: My concern is that sometimes expectations have been raised out of hope rather than what's actually going on. I would like for those to see the issues before us. What I would suggest is for EVERYONE to read these documents, they are probably central to the state's position with respect to AMD.

John: Yes, definitely read these documents...

Bruce: Now is our opportunity to say our piece and get things changed to the way we think it should be.

Jeff: With treatability, look at some of the tables in there and be very careful to look at those numbers...

Pam: First, it's part of Title IV money...I don't know if Growing Greener will have anything to do with this...another thing, it is a draft and it's far from finalized...we had our focus group meeting in June in state college and we've gotten comments...they're compiled and will be out in about one week...meeting notes are already on our website. We're also continuing discussions with TMDL staff and we're looking at completed watershed restoration plans. This is going to take a while.

Jeff: Is this treatability study going to push more folks to active rather than passive treatment?

Pam: Well, in the past, since there wasn't any OM&R money, people in the past went to passive treatment. We shouldn't let the funding drive the treatment process but let the treatment process drive the funding.

Greg: WPCAMR has made comments on the documents already?

Bruce: Yes...

Pam: We'll email the focus group attendees on this...

Bruce: Another thing, there's the impression that the treatability document is saying basically no more passive treatment. I believe it's more along the lines of "proper tool for the proper job". There's a lot of hard work that went into this and it can be the basis of something that's pretty good. In reading it, give it a chance...it's a good document.

Greg: Anything else thing else.

Bruce: For anyone who's interested, We will have a showing of andy's roughcut documentary that was first shown at this year's AMR Conference.

Motion to adjourn (Cronauer). Meeting adjourned at 14:08

Minutes taken and prepared by Andy McAllister