

WPCAMR
Western PA Coalition for Abandoned Mine Reclamation
Quarterly Meeting Minutes
February 15, 2008
Eat N' Park, Indiana, PA

In attendance:

Bob Eppley, (President)	Mark Killar, Western PA Conservancy
Greg Phillips, (Treasurer)	John Paul Scherfel Sr., Beaver CD
Jim Panaro, (Secretary)	Jim Eckenrode, Blair CD
Bruce Golden (Staff)	Hank Webster, Clearfield CD
Andy McAllister (Staff)	Kim Lanich, Elk CD
Dave Kemp, Somerset CD	Amber Siar, Jefferson CD
Bill Doney, Westmoreland CD	Amy Wolfe, Trout Unlimited
Jeff Fliss, PA DEP	Eric Cavazza, PA DEP, BAMR
Dave Steele, So. Alleghenies RC&D	Scott Roberts, PA DEP, MRM
Anne Daymut, Indiana CD	Dave Minnear, Kimball
Tom Grote, SRI	Bobbi Bailey, Penn's Corner RC&D
Ron Horansky, PA DEP	Jon Dietz, DG Consulting
Lance A. Bowes, Venango CD	

WPCAMR Business Meeting:

Meeting chaired by Bob Eppley and called to order at 10:14am.
Bob welcomed attendees and asked everyone to review the minutes of the past meeting.
While minutes were being read, Bob asked everyone to introduce themselves.

Secretary's Report (Bob Eppley for Jim Panaro):

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

Motion (Webster/Fliss) to accept the minutes. Passed.

Treasurer's Report (Greg Phillips):

Greg read the treasurer's report. Report on meeting webpage.

Jeff Fliss asked if the Quick Response money as reported is working capital or just what's left. Bruce said it's the working capital and WPCAMR is waiting for reimbursements. About \$250K of the original 350K is spent and there is an additional 100K as an add-on to that. There's about \$200K left in the Quick Response program all totaled.

Greg mentioned that WPCAMR is now in the midst of a voluntary internal audit and should have the results by the next meeting.

Bruce said that WPCAMR's 319 fund owes the General Fund \$20K, which will be transferred following a reimbursement from the 319 program.

No further comments.

Motion (Steele/Webster) to accept the treasurers report. Passed.

Election of Officers (Jim Eckenrode)

Jim listed the current WPCAMR officers as follows:

- Bob Eppley, President
- Dennis Beck, Vice President
- Jim Panaro, Secretary
- Greg Phillips, Treasurer

Jim asked for a motion to open the floor to nominations for the above offices. Motion by Vatter to open the floor for nominations. Jim asked for nominations, but none followed. Vatter motioned to close the floor to nominations. Since there were no new nominations, Jim looked for motion to renew the current slate of officers for another three year term. Motion (Webster/Vatter) to renew the current slate of officers for another three year term. Approved, no opposition.

Watershed Coordinator's report (Andy McAllister):

See report for details. Andy also thanked the Board for approving attendance at the Grantsmanship workshop in Pittsburgh in January. Report on meeting webpage.

Regional Coordinator's report (Bruce Golden):

See report for details. Report on meeting webpage.

Jim Panaro suggested that with regard to the AMR conference funding, that the conference committee could create a letter asking for donations either from past attendees or the coal companies.

Bruce continued with a presentation of the newly developed Title IV Set-Aside Calculator and afterward asked for comments.

Scott Roberts said that his was exactly the type of thinking that is necessary right now. He said they're trying to do it within the department and appreciate that there's others outside the department that are doing it. He said that while it all looks easy on the outside, it's amazing how with each individual turn in the road you discover more complexities and it is a complex situation. Unfortunately that complex situation is not made better by people who want to speak for others. Scott talked about an article in the Post-Gazette which said that the state had decided not to set aside any money in 2009 and was turning their back on AMD work. Scott said that that is false and read what the secretary says about this.

Roberts quoting Secretary McGinty, "Reports in the media and comments from people outside the DEP that we will not provide funding for abandoned mine drainage projects in 2008 are wrong. What we are doing now and have been doing for the past several months is engaging the public to help us determine how we can best use our available resources now and in the years ahead to reclaim abandoned mine land and clean up acid mine polluted waters."

Scott said that DEP hasn't made any decisions about 2009. He said that the Department was very open at all of the roundtables this summer as well as with other people about the

fact that they didn't see the ability to set aside moneys in 2008. Scott said that this whole episode underscores something that he believes the watershed organization community needs to start thinking about and that is, who really does speak for the individual groups and organizations.

Scott said that one of the things that was raised very early on and was raised at a lot of the town hall meetings was having an advisory group that would advise DEP on how best to use these funds. Scott said, "We've talked about this with WPCAMR and other groups. There is a group called the Mining Reclamation Advisory Board which is created by statute and has some advantages. I think that now people are starting to warm up to the idea that perhaps that is a good vehicle. One of the things we're doing right now is examining the statute that created that board as well as the bylaws to see whether or not we have the flexibility to increase the membership on it to allow watershed groups a greater voice in that particular board and how that could take place. Presuming that that happens, at some point watershed organizations will have to decide how they want to choose a person or persons to be on that board, and I think we need to look at that closely because I am not sure that everybody is speaking for everyone else".

Scott said that the DEP is encountering a lot of people coming out of the woodwork in wanting their slice of the Title IV pie. He said that the Department also had the Federal Government itself deciding that they want to take a piece of this and referenced Bruce's notes about the emergency funding. Scott said, "OSM in the past has appropriated \$20 million to run the emergency program nationwide. They're basically now saying to Congress, 'We don't need to put that money aside because look, they're getting all this money on abandoned mine work, so they can afford to do it'".

He also said that there were visitors to the Secretary's office this week arguing that the set aside money should be used to help watershed groups build their membership and capacity. Scott said, "Might be good work, might be a valuable thing, but I don't think that's what every watershed group agrees with". Scott said that he understands activism and the desire for it but some people have tactics such as trying to shame decision makers. Scott said that's what he ascribes this particular news article to. He said, "If you think about what they're trying to do, they're saying, 'our viewpoint is more important than all of the other watersheds' viewpoints'". Scott said that the Department has been going out this year to be open and transparent with their issues inside of DEP, with how their program works, with their funding needs and requirements are, with what their obligations are and that they want to try to put something together that gets the job done. He said that the Department is open to people coming in and saying, "why don't you try this" or "why don't you think about that". Scott said, "This is what Bruce did, this is a wonderful work product and this advances the ball".

Scott said that since there's been mention in Bruce's notes about people grumbling about Growing Greener II and funding he would like to touch on that. Scott said, "First of all, we did get \$62.5 million out of Growing Greener II dedicated for abandoned mine reclamation. If people want to grumble or complain, please have them call me because I signed off on the decisions on where portions of that money were going to go. Some of them were large projects—a \$10 million backfill job in the Anthracite area. While that is a big chunk of money, but you know it's a place where we've had people killed. I'm sorry, we consider that important work. We made those decisions". "We were hoping as that funding was used up, the availability of funding from set aside would come in and

step in to overlap”. Scott said that the State already has about \$18 million in the set aside account. He said that the State did not spend it down very rapidly for a lot of reasons.

“ But we have that \$18 million sitting there but unfortunately we are not free to just go out and use it right now because we have two big projects geared up”, Scott continued. “Eric Cavazza can give you details if you’re interested; one is the Barnes and Tucker plant in Northern Cambria and the other is the Hollywood /Tyler plant in Bennett’s Branch in Elk County. Those two projects are estimated to be \$20-\$25 million to build those two projects. They are large chemical treatment plants but they also have large benefits. The Barnes and Tucker plant is estimated to clean up 25 miles of the West Branch at the upper end and includes the lower end of the pollution zone—the same way with the Bennett’s Branch project. We have included those two projects in what’s called the Capital Budget. Now I’m going to have to bore you for one second. In Harrisburg, there is the budget, and there’s the Capitol Budget. They talk about the budget, that’s the general fund and that is supported by tax funds which come in through the various sources. That’s the budget that the Governor just announced a couple of weeks ago. There’s also a Capitol Budget, which is large projects that are funded by bonds that the Commonwealth issues and those bonds are limited by a cap, a ceiling for how much projects could be done. So every year the legislature does not only the General Fund budget but this Capitol Budget. Capitol Budget comes out with a lot more projects on it than actual money to build because legislators like to put projects in it. We went and sat down the Capitol Budget people and said, “we have a funding source that is going to be coming in over the next 20 years of enough money that would enable us to build these two plants and pay off the capitol fund expenditure over time rather than having to come up with \$20-\$25 million right today.

Scott said we would have to wait and see how it all plays out on the capitol budget, so it wouldn’t be wise for DEP to say that we’re just going to distribute that money in some other way to other projects. Scott said that there is some money there to start with. He said, “The Secretary has asked us to take some of the GGI money that is available to help jump start an O&M fund and we’re figuring out how to do that. But, we have these projects and we’re moving forward on them”. He said that the watershed groups do wonderful work and they take care of some of the worst discharges we have in some of the least accessible places we have to get to but explained that that’s not the whole gamut of water problems we have, “we have things like the Barnes and Tucker site and the Hollywood/Tyler area where passive treatment isn’t going to work. I saw an estimate for the Jeddo Tunnel down in the Hazleton area; it would take a wetland of 22 square miles to treat that discharge. There are some that can’t be done that way, we’re trying to deal with all of them” Scott said that in no way, shape, or form are they trying to eliminate funding for watershed groups, instead they’re trying to create greater partnerships and get better projects on the ground, working with watershed groups that are going to be around for a long time. He said, “If people have problems with how we’re doing it, instead of talking to reporters, why don’t you pick the phone up and give me a call?”

Dave Steele asked if the inventory been reviewed anytime recently?

Scott replied that the inventory was developed in the early 1980s and that they’re not planning to update the inventory.

Dave also asked if the Department wanted to do a quick analysis of the inventory or targeted areas.

Scott said that they're trying to understand what all of our resources are and how they're going to apply them. He said that their attention is on updating the Comprehensive Plan for Abandoned Mine Reclamation which is the document that the designers use and would also be the document which would establish the platform on how the Department is going to relate the conservation districts and watershed groups.

Dave said that the Department's work is appreciated.

Scott also said that one of the things that's really frustrating is getting a handle on what the costs are for O&M. The whole system doesn't wear out at the same time. Now's the time to get this right, not after we've spent the money.

Bruce Golden had a comment about Operation and Maintenance and said that it looks like the estimate is more modest than what many originally thought.

Scott said that Stream Restoration has some costs for running a system and they're not what DEP thought. He said that if there are any groups out there that have those numbers, if they can capture what it actually costs to operate and maintain these systems, that's really valuable information. **Scott** said that the decision's going to have to be made—how much money are we going to have to put aside into an interest bearing account to generate enough income to sustain the systems. The bigger the number that is, the smaller the actual construction money we'll have to build the new systems so obviously the more precise we are on how much it costs to operate the systems, the better off we are because we'll have the right amount of money and hopefully we'll have enough money to clean more water in a sustainable manner, which he said he thinks is what everybody wants.

Jeff Fliss said that there's still a lot of people who haven't seen the Secretary's press release and asked if there is a way to get this out to give Roberts' side of the story?

Scott said that he saw that Creek Clips carried that story in their publication on Thursday and said that he will be calling John Dawes on the way home to clarify what he may have originally said

Jeff asked if **Scott** thought the district mining offices with contacts with watershed groups would be a good avenue to distribute this press release?

Scott said yes and if there's anything he can help them with, let him know. **Scott** will get it out to the district mining offices and every watershed manager in the state ASAP. **Scott** said, "I can't question Don's journalism on this article, he quoted me accurately, I don't know if he quoted the other people accurately because I wasn't there but it wasn't factual".

Bob Eppley said that this has caused a great stir within the small contractors and consultants throughout the Commonwealth.

Scott said that it caused a great stir in Harrisburg as well. He also mentioned Bruce's spreadsheet and said that of the things Bruce and he were talking about recently was that you have to put the money aside to build it up to generate the income and you're not building it up as fast. Scott said there may be some possibility of speaking to our legislators about that type of thing. Scott explained, "If we don't have to spend the set aside money and let it build up in a trust for O&M right away, then we could rely on appropriation until that's fully funded then that enables us to get to that fully funded point a little quicker".

Bruce said that he has a feature in the spreadsheet that will take that into account.
Scott: that is something that we might be coming back and talking to you all about.

Bruce continues with his report.

Scott said that (regarding the Mining Reclamation Advisory Board) either he or the Secretary will be sending a letter to the MRAB regarding taking on the task of being the Title IV advisory body. He said that the question is whether the bylaws and underlying statutes will allow the Department to suggest to them an expansion of membership to include people from watershed organizations

Bruce finished his report.

Break for lunch.

Conservation District/Agency/Watershed Association reports (All present):
Those in attendance reported on current and future activities within their respective organizations. Tom Grote of Stream Restoration Inc, reported on "Clean Creek Products", pottery glazed with manganese from AMD treatment sites and distributed some draft materials. "Clean Creek Products" website should be up and running very soon.

NEW BUSINESS

Title IV:
Already discussed. See minutes above.

WPCAMR's Application for 319 Funding for FY 09-10 (Bruce Golden):
Motion to apply for the 319 funding for FY 09-10 (**Eckenrode/Philips**). Approved.

Proposed WPCAMR Budget (Greg Phillips):
Greg went over the proposed budget sheet (handout) and said that Bruce and he are going to work on refining this budget. If there's anyone who wants to help, let Greg know. The budget will be presented at the next meeting.

Development of Policies (Bob Eppley)

WPCAMR has grown significantly especially with regard to taking on projects and being a sponsor of grants. Policies need to be put together. If anyone wants to contribute, please do so.

Upcoming WPCAMR Meeting Schedule (Andy McAllister)

The Board agreed to the May meeting date of Thursday May 15, 2008 to be held at the Moshannon District Mining Office in Philipsburg.

The Board also agreed to the August meeting date of Thursday August 28, 2008 to be held at the Westmoreland County Conservation District.

WPCAMR 2008 Quarterly meeting schedule:

The current 2008 WPCAMR meeting dates and venues are as follows:

May 15, 2008 at the Moshannon DMO, Philipsburg
Aug 28, 2008 at the Westmoreland CD, Greensburg
November 14, 2008 at the Indiana Eat N' Park

Motion to adjourn (Vatter). Meeting adjourned at 1:30 PM.

Minutes taken and prepared by Andy McAllister