

## The PA AML Campaign

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R. John Dawes, Chairman

May 7, 2007

Mr. Brent Wahlquist, Acting Director  
Office of Surface Mining Reclamation and Enforcement  
U.S. Department of the Interior  
1951 Constitution Avenue, NW.  
Washington, DC 20240

Dear Acting Director Wahlquist:

We of the Pennsylvania AML Campaign are very appreciative of the informative and productive meeting held on April 2, 2007 between our group and representatives of OSMRE including you, Danny Lytton, and Sterling Rideout. The recent legislative changes to SMCRA Title IV indeed present new opportunities to address the nation's challenges resulting from a century's worth of unregulated coal mining.

As representatives of PA's watershed and environmental groups of the state most impacted by pre-law mining, we have a keen interest in the mandatory and discretionary legislative details of the legislation subject to interpretation through the rule-making process. Because of your role in that process, we respectfully submit the following comments.

With regard to Sec 402 Reclamation Fee

\*We expect complete compliance with the law in the collection of all reclamation fees with a system to document the collection of fees past, current and projected.

With regard to Sec 402(g)(6)(A) as it pertains to amounts established in the state acid mine drainage abatement and treatment fund:

\*We recommend necessary use of funds to include a mechanism for the on-going or perpetual operations and maintenance needs of acid mine drainage abatement or treatment facilities.

\*We recommend that a state be given limited flexibility, in concurrence with OSMRE, to utilize amounts for the purpose of reclaiming P1 and P2 sites if the state would otherwise not ever be able to achieve certification referred to in Sec 411(a).

\*We recommend a necessary use of funds to include using said funds as match, where permitted, to other federal, state, or private funding as a means to leverage additional funding for acid mine drainage abatement and treatment.

\*We recommend necessary use of funds to include demonstration projects which test innovative and/or more cost effective methodologies to abate or treat acid mine drainage.

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With regard to Sec 403(a)(1)(B)(ii) as it pertains to the word “adjacent”:

\*We recommend that the word “adjacent” be defined as “in the same hydrologic unit”.

With regard to Sec 403(c) Inventory:

\*In light of a decision that OSMRE will not be updating the inventories of P1 and P2 sites in a comprehensive manner, we stress the importance of a state or Tribe’s ability to amend its inventory of P1 and P2 sites.

\*Under standardized procedures established by the Secretary, States and Indian tribes with approved abandoned mine reclamation programs pursuant to section 405 may offer amendments, subject to the approval of the Secretary, to update the inventory as it applies to eligible lands and waters under the jurisdiction of such States or tribes.

With regard to Sec 415(c)(1)(A) as it pertains to a rebate or waiver of the reclamation fees:

\*We could support the waiver of the reclamation fees for waste coal remined to burn in CFB power plants subject to an acceptable definition of waste coal.

\*We oppose the waiver or rebate of the reclamation fees for any other purpose.

In addition to items relating to rulemaking, we also would like to comment on several of the OSM Appalachian Clean Streams Initiative programs. As Pennsylvania considers its use of the increased funding from Title IV, the member organizations of the PA AML Campaign believe that the programs within the Appalachian Clean Streams Initiative, *specifically the Watershed Cooperative Assistance Program, the VISTA Watershed Intern Program, and the Watershed Intern Program*, will continue to be a vital link between government and communities and the natural resources impacted by abandoned coal mine activities. This cooperative approach results in greater efficiency and more completed projects through more cost effective expenditure of public funds. The Appalachian Clean Stream Initiative continues to be an opportunity for partnerships to solve the major environmental problems facing the regional ecosystems of the coalfields.

We thank you for your thoughtful consideration of our recommendations and look forward to a constructive working relationship

Respectfully,

R. John Dawes  
Chairman

Cynthia Carrow  
Co-Chair

cc: Mr. Danny Lytton