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HARRISBURG - (5/21/07, 12:00 p.m., Hearing Room 2, North Office Building)

The **Joint Legislative Conservation Committee** held an informational meeting on the Abandoned Mine Land Fund. Members in attendance included Chairman Scott Hutchinson (R-Venango) and Representatives Dick Stevenson (R-Mercer) and Gary Haluska (D-Cambria).

Chairman Hutchinson remarked this is a timely issue, and stated abandoned mines have been identified in 44 counties in PA, covering 4,800 miles of stream and 1.4 million Pennsylvanians live within one mile of an abandoned mine site. He stated that PA has more abandoned mine sites than any other state and the estimated cost to remediate those sites is \$1.5 billion. He noted the reauthorization of the federal Abandoned Mine Land Program means significant funding will be coming into PA.

[John Dawes](#), Administrator of the Western PA Watershed Program (WPWP) and Chair of the PA AML Campaign, provided the committee with an overview of the efforts to reauthorize the federal SMCRA (the Surface Mining Control and Reclamation Act of 1977) and the challenges the state faces in remediating abandoned mine sites. He explained that in anticipation of the sunset of Title IV provisions of SMCRA legislation (the collection of a small fee on coal mining) several environmental leaders from ten eastern coal states met to write provisions for reauthorization. As a result of their efforts, the SMCRA was reauthorized at the end of 2006. He stated reauthorization is particularly important to PA because it has the largest inventory of abandoned mine lands and the largest number of dangerous features. Dawes stated that the federal appropriations under the original SMCRA "became increasingly discretionary and diverted so that picking away at this inventory through annual appropriations in the amount of \$22-23 million, it would have taken 60 to 70 years to complete reclamation." The reauthorization, which includes mandatory spending and a pay-out schedule will allow PA to attack multi-year planning and construction projects that will lead to improved quality of life in coalfield communities.

Dawes stated PA anticipates \$1.4 billion in abandoned mine land funds to come to PA over the next 15 years, but stressed that this amount represents only a portion of what is ultimately needed. He stated, "Our collective challenge will be to strategically and most cost-effectively prioritize how to clean up Pennsylvania's hundreds of thousands of acres of mine-scarred lands and nearly 5,000 miles of mine-polluted waterways." He offered the following concerns and recommendations:

- Insure complete compliance with the law for the collection of reclamation fees with the Federal Office of Surface Mining, Reclamation and Enforcement to expand its audit program to establish a system to document that reclamation fees have been and are being collected in full
- No exceptions to collection of reclamation fees, with possible limited waiver for remined coal waste to burn in CFB power plants
- 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
- Flexibility for PA to utilize funds for reclaiming P1 and P2 sites

- Use of funds as match to other federal state or private funding as a means to leverage additional funding for acid mine drainage abatement and treatment
- Necessary use of funds to include demonstration projects which test innovative and/or most cost-effective methodologies to abate or treat acid mine drainage

Next, Scott Roberts, DEP Deputy Secretary of Mineral Resource Management, provided an overview of the history of mining in PA and efforts to reclaim abandoned mine land. Roberts explained minerals have been a source of wealth for all civilizations and discussed the many minerals that have been mined from PA. He stated as the mineral supply at one site was exhausted, mining operations abandoned the site and moved on to another site. He remarked mining is a site occupier, not land use, and reclamation returns the land for future use. Reclamation, he commented, is not cheap, but necessary to enjoy the full value of PA. Roberts stated PA was the first state to recognize the need for reclamation and he discussed the hundreds of projects undertaken. In 1982, he stated, PA became eligible for federal funding for abandoned mine reclamation projects under SMCRA and the first step was to inventory sites and prioritize them. He explained SMRCA was a health and safety program, not an environmental program, and first priority sites (P1) are those that are deemed dangerous. Second priority sites (P2) are those sites at which an accident may happen. He stated PA has received \$600 million since 1982 and reclaimed 170 miles of stream, protected 2,500 acres from subsidence, mine fires have been extinguished (except at Centralia where the town had to be relocated), and 230 passive treatment systems opened. Despite these achievements, Roberts stated, PA still has a lot left to do. He stated 185,000 acres in PA qualify as P1 or P2, and that's just for coal mine sites. He stated there are many other mine sites and quarries across PA that need to be reclaimed.

Roberts stated the reauthorization gives PA a stable funding platform of \$1.4 billion in the next 15 years and DEP is working to determine how to spend that money efficiently. He also stated avenues will be explored to utilize this funding to leverage additional funds. He stated DEP will be convening [several roundtable discussions](#) to receive input on PA's abandoned mine reclamation needs. In the meantime, he urged patience from the public and reminded those gathered that mines and quarries are dangerous, deadly places that should be avoided.

Lastly, Roderick Fletcher, Director of the Bureau of Abandoned Mine Reclamation at DEP, discussed the reauthorization. He explained key provisions of the law will take effect October 1, 2007 and the federal OSM (Office of Surface Mining Reclamation and Enforcement) still has to develop rules to implement the reauthorization. He stated the program will extend for 14 more years. He noted there is a possibility the fee will be reauthorized after that, but indicated it is not likely. However, he noted the program may continue beyond that deadline if remaining funding is available. He stated the reauthorization will be phased in so money will not immediately flow into PA and there will be a 10-15% decrease in funding this year, which will be a hardship. Fletcher also noted up to 30% of funds may be set aside for acid mine drainage, so PA will need to determine if it wants to set any money aside for this, and if so how much and how it will be used. Fletcher stated the projected steady funding will allow PA to plan ahead, but we still need to push for additional funding for reclamation because this amount will not meet all of PA's reclamation needs. Lastly, Fletcher warned there may be potential problems in the future to access sites on private land. Currently, he stated, if access is denied they just move onto another project but trends are beginning to appear that indicate this may become a bigger problem.

The presenters then answered questions from the crowd.

**Is it true the fee paid by mine companies will be decreased? Where is that money coming from?**

Fletcher explained the fee will decrease 20% in two phases. It will decrease 10% immediately

then in five years it will again decrease 10%. He stated up to \$490 million will be available from Treasury to cover costs, but he opined he is comfortable all the funding will be available.

**Why are there variations in the amount of money PA is projected to receive each year?**

Roberts explained the previous law required 50% of the fee required in a state to go back to that state, but that money was not fully appropriated in the past so differences will be distributed. States will also receive the 50% going forward and the historic reduction formula (which is based on the amount of the nation's coal that the state produced) will be applied. He explained each of these funding streams is applied differently, which accounts for the variation in each year's projections. Roberts added that the funding is mandatory, and it does not have to go through the appropriations process each year. Fletcher added another variation is the fact that not all states are certified, so it is unknown how many states will be competing for the funding.

**Is OSM the final arbitrator in deciding which sites will be reclaimed?**

Fletcher replied the law defines priorities and OSM is responsible for maintaining the inventory. Roberts added OSM does not choose the order of sites to be reclaimed; that is determined at the state level. He noted DEP will be rewriting its policy document that direct the selection process following the roundtable discussions.

The next Joint Legislative Conservation Committee meeting will be June 11th at noon in Room 60, East Wing. The committee will hear from John Quigley, Director of Operations at DCED.

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