

Committee on Resources

Statement

Mr. Chairman, and members of the Committee, my name is Robert E. Hughes, a native of the Wilkes-Barre area, located in the Northern Anthracite Coal Fields, just south of Scranton, and a resident of the borough of St. Clair, Schuylkill County, located in the heart of the Southern Anthracite Coal Fields. I am pleased to be here today as the Regional Coordinator, representing the Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR). First of all, I would like to thank you for giving EPCAMR this opportunity to address you this afternoon on the subject of familiarizing members of the committee with mined-land reclamation problems specific to Northeastern PA.

As for background on EPCAMR, the Coalition is a non-profit organization created by representatives of the Conservation Districts from 9/16 eastern PA counties affected by AMD/AML directly, the anthracite industry, over 20 locally organized watershed associations (which cover 14/16 counties in our Coalition Region), sportsmen's groups, conservation clubs, and representatives from the general public. EPCAMR was formed in 1996 to identify how the County Conservation Districts and their local cooperating organizations could promote and contribute to local, state, and federal mine reclamation efforts. The mission of the Coalition is to encourage the reclamation and redevelopment of abandoned mine lands and remediation of waters affected by past practices of the mining industry in Eastern PA.

An increasingly important role of the Coalition has been to serve as a liaison between the local watershed organizations, private businesses, economic development interests, the mining industry, DEP, BAMR, OSM, EPA, and other state and federal agencies involved in abandoned mine land reclamation activities and acid mine drainage remediation. We are also actively involved in raising the awareness of the general public, our schools, and our elected officials on a local, state, federal, and national level regarding issues related to mine land reclamation and acid mine drainage.

It is my job to provide technical and administrative support to the Conservation Districts, coordinate reclamation activities, assist in grant writing, establish a public education outreach program within the schools, and to rejuvenate local watershed groups, primarily in those areas where streams have been adversely affected by abandoned mine siltation and abandoned mine drainage. There are more local watershed organizations active in mine drainage remediation efforts in Pennsylvania than in any other state in the nation. I work side by side with these local groups to inform and educate the public on AMD/AML issues, and technical interests relative to specific reclamation and remediation techniques being proposed for sites and discharges in their local watersheds.

Back to the questions presented to all the speakers here today

"How effective is the current AML Program authorized under the Title IV of the Surface Mining Control & Reclamation Act of 1977 (SMCRA), versus the need for developing new funding and disbursement mechanisms for on-the-ground reclamation solutions?"

and

"Can the Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) describe the successes and failures of reclamation efforts of anthracite-mined lands as well as present new solutions to improve past practices?"

First, as a member of the National Coalition for Abandoned Mine Reclamation (NCAMR), EPCAMR would like to see the Rural Abandoned Mine Program, which has in the past been financed by the AML Fund and administered by the USDA-Natural Resources and Conservation Service be supported once again. The RAMP has not been funded since 1996. This program worked through local communities (community leaders, Conservation Districts, and other agencies) to solve and address many AML problems. The NRCS provided most of the technical assistance, natural resource planning, design, and construction of many of the earlier AMD and AML reclamation projects. Today, in Eastern PA, there are very few staff available who have the time or financial resources under other Federal programs that they are administering to fully support and commit their time to abandoned mine reclamation efforts. Watershed organizations, Conservation Districts, and reclamation related groups that work with the EPCAMR, will tell you that the one area that they truly need assistance with is in the design and construction of the passive treatment systems for AMD remediation. NRCS under RAMP used to fill that need efficiently.

Another major obstacle is the primacy issue with the Federal Government, under the Office of Surface Mining. Pennsylvania must comply with these Federal regulations that were set in motion and made law in the late 1970's when SMCRA was authorized.

One such obstacle to the redevelopment of abandoned mine lands under some of the federal guidelines authorized by the Surface Mining Control Reclamation Act (SMCRA) is the extent to which these areas have to be reclaimed, revegetated, recontoured, the limited land use classifications, sites being overly excavated, and the amount of time the land must sit idle before any changes to the area can be made. Some of the current regulations that are in place dealing with mine land reclamation, provide no flexibility for other beneficial and economical uses of the land. For example, if a building were to be constructed on a former abandoned mine site, interpreting the current Federal regulations under SMCRA, the building and the land may not be structurally sound. These abandoned mine sites that only contain spoil piles, culm dump, some water-filled pits, and surface depressions, are prime locations in our region for reclamation and redevelopment. We would no longer have to utilize as much of our forest lands for development, if these abandoned areas were reclaimed first and Federal funds were available to groups other than non-profit organizations to reclaim the land.

Another obstacle that occurs when dealing with abandoned mine lands is in relation to marketing and development of available abandoned mine lands that could be suitable for redevelopment, if viable sources of funding were available to the private industry such as economic redevelopment agencies, industrial development authorities, and or chambers of commerces. Many companies will not locate in our region because the economic interest groups do not have available financing mechanisms, any incentives, or funds to prepare abandoned mine lands for development prior to having an interest from perspective buyers. Our region loses out when prospective companies come into the area looking for land interests and the only image that they leave with is that of monstrous, ugly looking culm banks, water-filled stripping pits, abandoned mining equipment, and streams that run orange that are degraded by AMD. This image of Northeastern PA should not fall on the shoulders of the economic interest groups alone. Entire economic regions and communities will benefit at large down the road from the reclamation of these lands, and therefore, other financial assistance is necessary from the federal government to reclaim even more acres of abandoned mine lands.

EPCAMR would like to continue to establish an open line of communication with the OSM, the DEP-BAMR and BMR, the Pennsylvania Mining & Reclamation Advisory Board, Economic Development Interests, Chambers of Commerces, Industrial Development Authorities, and the EPA, in the near future to discuss the flexibility on certain regulations, especially when the law deals with the redevelopment of abandoned mine lands. EPCAMR is very interested in playing a role in conducting outreach meetings and coordination efforts, if there is enough interest to develop regional task forces, similar to the Luzerne-Lackawanna Counties Brownfields/Blackfields Task Force, to address some of the obstacles to the regulations.

The Anthracite Coal Industry declined during the 1900s, coal companies went under, and the resulting impacts were devastating. Thousands of acres of abandoned mine lands were left unreclaimed, thousands of miles of streams were degraded by AMD, industrial coal mining facilities with contaminated soils, abandoned industrial facilities, coal breakers in disrepair, improper disposal of equipment and machinery, solvents, heavy metals, abandoned shafts, tunnels, and mine openings. The mining industry of the past needs to be looked at in the future as potential brownfield-like redevelopment areas, we call 'blackfields' or 'greyfields', today. Many of these sites have great potential for redevelopment due to the proximity to existing infrastructure, potential boost to the local economy, elimination of public health and safety features, clean up of groundwater and surface water contamination, creation of wildlife and habitat areas, and alleviation of the pressure on businesses that build on previously undeveloped non-urban areas-greenfields, pristine forestlands, and farmlands. Yet very little Federal monies have been released or granted to inventory and assess these potential sites under the AML Program. Not much Federal funding has come to the Anthracite Region from the EPA under the Brownfields Economic Redevelopment Initiative either.

There are many thousands of acres that surround numerous communities in the Anthracite Coal Region alone, remain as unproductive today as they did when left abandoned more than fifty years ago. We should concentrate our efforts on having our communities be able to have the access to these undeveloped acres for social, economic, as well as environmental uses. Expanding and reconnecting our communities separated by mountains of culm, creation of open space areas, wildlife habitat enhancement, water quality improvements, improving the areas quality of life, recreational opportunities, stream restoration, and economic development of these abandoned mine lands should be of the utmost importance.

Furthermore, the release of the Abandoned Mine Land Trust Fund dollars for mining and reclamation should be of great importance to this Committee. In 1977, when Congress passed and President Carter signed the Surface Mining and Reclamation Act (SMCRA), the Act required reclamation standards, performance bonds, and mandatory restoration progress on coal lands abandoned prior to August 3, 1977. The Act also set forth fees to be paid on all active mining operations. Surface mined coal (.35/T). Underground coal (.15/T). Lignite, a low-grade coal (.10/T). These revenues have been deposited back to the states for AMD reclamation and mine drainage remediation. Currently, there is nearly \$2 Billion that has not been released.

Pennsylvania is the 4th largest producer of coal in the Nation. Pennsylvania only receives approximately \$20-25 Million from the Federal Abandoned Mine Land Trust Funds. This amount pales in comparison to the level actually needed to properly address the AMD/AML problem in Northeastern PA. Under the present Federal Program, only 10% of the money received from the AML Trust Fund may be used to address AMD pollution, which amounts to just over a mere \$2 Million a year. The Federal Program considers AMD a low priority. Pennsylvanians involved in the local watershed restoration efforts throughout the Northeast would beg to differ.

Rather than having these monies taken in and applied against the unified federal budget, EPCAMR and a host of other groups, would like to see that money returned to states with viable AMD remediation projects. We are seeking flexibility in the use of the funds to achieve greater results at less cost. We are proposing that Congress consider altering the language that directs the mine reclamation funds to better target Federal resources in a more cost effective manner. With some flexibility, we can attract more private support and volunteer involvement to reduce the costs of abatement and reclamation dramatically. The language that controls the expenditure of the funds was written for a 70's mine reclamation paradigm.

Today, three decades later, there are better, more innovative, technologically sound, scientifically proven methods, and less costly treatment options available that weren't even thought of thirty years ago, to eliminate past mining scars and remediate AMD in the waters of the Commonwealth. We are asking that the formula for distribution among the states be preserved to avoid conflicts with other states and further suggest that no changes be made that would negatively impact miners or retired mine workers.

Right now, because of the formula, some states (e.g. Wyoming) get more dollars than they can possibly spend on AML/AMD clean up, while the older coal field states, PA being one of them, never have enough money. For example, ensuring the responsible spend-down of the estimated \$2 BILLION AML Trust Fund could inject millions of dollars into the local economy of the coal fields, particularly in the Anthracite Coal Fields, as well as the Bituminous Region of western PA, and throughout Appalachia for more abandoned mine land reclamation and AMD remediation. The dispersion of these funds should be based on needs of the states, not on their historical coal production levels.

Speaking of economics, increased Federal grants for abandoned mine reclamation will also create more jobs in the Anthracite Region. Reclamation of abandoned mine lands is labor-intensive, even more so than modern mining methods, since more care must be exercised to bring land back to approximate original contour (AOC), or roughly the condition it was in prior to mining. Mine reclamation restores communities and enables them to rebuild their economic base and attract more sustainable businesses and jobs. Who wants to locate a business in a place that looks like the surface of the moon, has orange-tainted streams and poor water quality within its community, a poor local economy, and an unhealthy population? We should at least be asking Congress to demand that the SMCRA Promise be kept. Our communities have lived and learned the hard way long enough. The US House of Representatives now have an opportunity to help. Thousands of people in PA support watershed and reclamation activities through contributions of time, effort, donations, and through volunteering. The people of PA understand that without clean water, the social, recreational, economic, and environmental vitality of the Anthracite Region will be severely disadvantaged for our future generations.

Yet another hurdle to abandoned mine reclamation is the EPA's required two foot of top-soil regulation. It would be a logical step to try and get fly-ash that is currently produced by Pennsylvania Co-Generation Plants licensed as a top-soil amendment for mine reclamation. In a recently published report, the EPA determined that waste coal ash itself is exempt from regulation, yet surprisingly the Agency determined that the beneficial use of coal ash in mine reclamation and agricultural amendments should be regulated as hazardous waste. Furthermore, an EPA determination that waste CFB (Circulating Fluidized-Bed) waste and other ash byproducts as hazardous, would have far reaching effects on Pennsylvania's taxpayers and the environment. Furthermore, the Agency's conclusions are not at all supported by the technical data they themselves collected. The Pennsylvania Department of Environmental Protection (DEP) comprehensively regulates use of the ash in reclamation and soil amendments; and no adverse impacts have been discovered despite a decade of monitoring.

A byproduct of the combustion is an alkaline ash that Pennsylvania DEP has approved for use in reclamation programs for active and abandoned mines. The ash is returned to the site to neutralize other pyritic and acid bearing materials that could not be used as fuel, and to supplement native soils to promote site revegetation. The sites are backfilled, contoured, and vegetated. By reclaiming these sites, the electric power generating industry is also eliminating many potential safety and health hazards in the community. The abandoned waste sites pose the threat of accidental fires, and they are sometimes used as trash dumps or recreational areas for people using all-terrain vehicles. Sedimentation and erosion problems are also eliminated in areas where streams are located nearby.

I want to mention another asset that we sometimes seem to take for granted. The Co-Generation Plants. In the Anthracite Region, we can not thank some of our regional Co-Generation Facilities enough for the great job they do in reclaiming abandoned mine lands. Frackville-Wheelabrator, Mt. Carmel-Foster Wheeler, Northampton Generating Company, McAdoo-NE Power Generating Company, Gilberton Plant, etc., to name a few. The aforementioned companies should be considered one of the greatest assets we have in our region. They are the private companies that are reclaiming the land without any costs to the taxpayer. Deregulation of the electric utility industry over the next 10-15 is going to seriously hamper the amount of abandoned mine lands and culm banks that are currently being reclaimed. PA DEP estimates that it costs around \$20,000 to clean up just one acre of abandoned mine lands. To date, more than 2,300 acres of abandoned mine lands have been cleaned up, saving PA residents nearly \$460 Million. This estimate does not include the elimination of AMD. We need to continue to support these Co-Generation Plants.

Throughout Pennsylvania there are 14 waste coal-fueled power plants, representing a total of 886-MegaWatts (MW) of generating capacity and a capital investment of nearly \$2.5 billion. By burning waste coal for fuel, these plants are cleaning up abandoned mines sites and waste coal piles across PA. As you know, waste coal sites seriously impact water quality, contribute to the formation of Abandoned Mine Drainage (AMD) and threaten public health and safety. These cleaner burning waste coal-fueled facilities are a premiere example of industrial operations that contribute to significant reductions in air, water, and solid waste emissions. Potential closure of the Co-Gen Plants would create adverse environmental and economic consequences for dozens of small communities across the state.

With regards to your second question, as to can EPCAMR describe the successes and failures of reclamation efforts of anthracite-mined lands as well as present new solutions to improve past practices?"

First and foremost, local community support for reclamation and remediation projects needs to be in place for a successful project to occur. Tapping local government municipalities, township supervisors, contracting and construction companies for volunteer services such as the use of a front-end loader, a bull dozer, dump trucks for hauling stone, pipe, even landfill liner, are all crucial to the success of a locally driven environmental restoration project. For example, Wiconisco Creek, which empties into the Susquehanna River at Millersburg, in Dauphin County, has been severely damaged by AMD, particularly the Porter Tunnel discharge in the headwaters of the watershed. Along comes the Williams Valley HS Environmental Science Club, under the direction of their Science teacher, and with a great idea to help bring back the Wiconisco Creek as a community resource.

The students raised money through the recycling of cans and plastics to purchase limestone rock for the construction of a diversion well and limestone sand needed for the dosing project on the Wiconisco Creek. The local watershed organization gained the support of landowner all along the Creek, the local Lions Club, and the Township Supervisors, as well. A large potato Farming Operation, stockpiled the limestone and the sand on their property. A local quarry donated thousands of tons of limestone at discounted prices. The

Army National Guard provided the hauling of the stone for free. The local Fire Company hosed down the Army flatbeds. The Township Supervisors dumped the limestone into the well and the limestone sand into the stream for the project at various locations in the watershed using their own township equipment.

EPCAMR, the Wiconisco Creek Restoration Association (WCRA), and the Schuylkill and Dauphin County Conservation Districts helped to coordinate the events and rallied public support to improve the Wiconisco's water quality. You couldn't ask for a better team of volunteers. Local involvement often expands to what at first might be a narrowly focused project in to a more comprehensive watershed effort as additional people and financial resources are brought to the table. These additional resources often assure that efforts will continue long after the completion of an initial project. State grant programs need to be matched with Federal grant dollars to continually support the efforts of such groups. More federal dollars for small projects such as this one are desperately needed if we are going to curb the problems associated with abandoned mine lands and acid mine drainage. You can not ask for a better return on your investment, when "sweat equity", as I like to call it, of the local volunteers, committed to cleaning up abandoned mined land impacts in their watersheds is involved.

The key to EPCAMR's success has been our ability to involve local groups in the up-front process of developing watershed restoration plans, identifying the problems, assessing the impacts, coming up with feasible solutions, and drawing on the strengths of each of our partners. Each group has an active role in the decision making process. However, we are at a point where action must be taken to continue the work of abandoned mine land reclamation and AMD remediation and restoration of our streams in

Pennsylvania or our local efforts may be stifled and fall by the wayside. More Federal funding to Northeastern PA will assure that local watershed restoration efforts can continue complimenting the reclamation work that is completed by our State Bureau of Abandoned Mine Reclamation on a comprehensive watershed basis.

Respectfully Submitted,
Robert E. Hughes
Regional Coordinator, EPCAMR

#