

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
October 19, 2017

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Chairperson - Member)
John St. Clair (CAC – Member)
Duane Feagley (PA Anthracite Council) (Alternate)
Tara Hazelwood (Alternate)
Dan Coleman (Alternate)
Rachael Gleason (Alternate)
Benjamin Wren (Alternate)
Jonathan Lutz (Alternate)
Darrel K. Lewis (Alternate)
Jack Chamberlin (Member)

OTHER ATTENDEES

Richard Fox (PA House)
Jeff Painter (PA Game Commission)
John Stefanko (DEP – Active and Abandoned Mine Operations)
Laura Edinger (DEP – Policy)
Bill Allen (DEP – Mining Programs)
Thomas Callaghan (DEP – Director, Mining Programs)
Sharon Hill (DEP – Mining Programs)
Chris Whiteash (DEP – Mining Programs)
Jennifer Gulden (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. Board members and DEP personnel introduced themselves.

APPROVAL OF MINUTES

The minute from the last meeting were approved without changes.

CORRESPONDENCE

No correspondence was received by the Board since its last meeting.

COMMITTEE REPORTS

The annual reports for years 2009-2010, 2010-2011, 2012-2013, and 2016-2017 were submitted to approval to the board. The Board approved all four reports without objections.

PRESENTATIONS

Coal Mining Program Updates

Mr. Allen provided updates to the Board regarding the coal mining program:

- Non-Regulatory Agenda: Several documents are nearing the end of the revision process, and will be published once approved.
- National Pollutant Discharge Elimination System (NPDES) Permitting: The U. S. Environmental Protection Agency (EPA) has continued to express interest in permits, with roughly half of NPDES permits getting comments. The EPA and the Bureau of Mining Programs (BMP) continue to communicate with updates concerning the anticipated checklist process and other pending issues. Feedback is still needed from the EPA regarding Sufficiently Sensitive Methods.
- Historical Application Progress and the Permit Decision Guarantee (PDG): Mr. Allen provided updates on the following:
 - Number of coal-related permit applications disposed, along with those remaining for action and their specific District Mining Office (DMO) locations.
 - Most of the permits remaining for action belong to the California DMO. This DMO has been working with the EPA to process pending permit applications in a timely manner.
- Trust Agreements/Bond Status: Mr. Allen provided details on a variety of items regarding this topic:
 - Number and value of total agreements (between December 2015 and August 2017), total (i.e., bonds, fully-funded trusts, partially-funded trusts (including Alternative Bond System (ABS) sites).
 - Mr. Allen commented that there continues to be a general increase in total agreements and fully funded trusts.
- Land Reclamation Financial Guarantees (LRFG): Mr. Allen provided details on the increase of LRFG permits and amount underwritten as of August 2017. The Board expressed interest in further discussion regarding the potential increase of operator limits within the LRFG program. This issue will be explored further during the Board's January 11, 2018 meeting.

Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information of the Reclamation Fee Account. Projections indicate that a reclamation fee may not be required for the next year. Mr. Allen addressed selected comments received for the reclamation fee report. The recommendation of the Board continues to be that the large civil penalty monetary amounts that were discussed in

previous meetings should be applied towards future expenditures, rather than deposited into the legacy account.

- Regulatory Agenda: Mr. Allen mentioned developments with the following items:
 - Federal Office of Surface Mining (OSM) Program Consistency Regulatory Changes
 - Water Supply Replacement Regulations (25 PA Code, Chapters 287 and 288), discussed further in Ms. Hill's presentation below.
 - Blasting and Explosives Regulations (25 PA Code, Chapters 210 and 211) have been routed for Final Environmental Quality Board (EQB) approval.
- Application Fee Revenues: Mr. Allen provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to 2018 (as of September 2017).

Bond Rate Guidelines

Mr. Allen reported on reclamation bond rate guidelines, in terms of the 2017 calendar year costs for grading, revegetation, seed bed preparation and seed. Since July, there have been four contracts that will be included in the bond rate guidelines for next year, with 4,000 cubic yards of earth moving, covering fifty acres. Based on bid amounts, these contracts are unlikely to affect rates for Bond Rate Guidelines for earth moving in the upcoming year. Revegetation costs will likely increase by fifty dollars to \$2,000.00.

Updates from Bureau of Abandoned Mine Reclamation

The Board reviewed the information provided from the Bureau of Abandoned Mine Reclamation. It was recommended that the Board direct any comments or questions to Mr. Brian Bradley, who was not present at the meeting.

Overview of Water Supply Replacement Regulations Revision

Sharon Hill presented a general outline of items and areas in the Chapter 87 and 88 regulations pertaining to water supply replacement that will be revised. The revisions are based on the federal Office of Surface Mining's (OSM) program recommendations from 2005. Existing policy is already reflective of the program changes, especially regarding increased operation and maintenance costs of replaced supplies. The Board agreed to schedule a Committee meeting in November to discuss these issues in more detail, prior to the BMP providing draft language.

Updates to the Regulatory, Technical Guidance, and Advisory Committees Policies

Abbey Cadden, Executive Policy Specialist, provided an overview of three draft Technical Guidance Policies that are available for public comment through December 13, 2017: *Policy for the Development and Publication of Technical Guidance; Advisory Committee Guidelines;*

and *Policy for the Development and Review of Regulations*. The purpose in revising these documents is three-fold: 1) *to modernize the policies*; 2) *evaluate ways DEP can enhance the public's understanding of DEP's processes that solicit feedback*; and 3) *make changes based on recommendations provided by the Citizen's Advisory Council*. Revisions to these policies will conform with current practices, incorporate the use of modern technology, and explain DEP's streamlined processes.

NEW BUSINESS

The dates for three quarterly meetings in 2018 were agreed upon by the Board: January 11, 2018; April 19, 2018; and October 25, 2018. These meetings will take place in Conference Room 105 of the Rachael Carson State Office Building, 400 Market St, Harrisburg, PA 17105.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:15 a.m. The Board will meet again on January 11, 2017 in Conference Room 105 of the Rachael Carson State Office Building, 400 Market St, Harrisburg, PA 17105.