

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
April 19, 2018

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Chairperson - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Duane Feagley (PA Anthracite Council) (Alternate)
Tara Hazelwood(Alternate)
Rachael Gleason (Alternate)
Benjamin Wren (Alternate)
Leda Lipton (Alternate)
Darrel K. Lewis (Alternate)
Tim Collins (Alternate)
Robert Burns (Member)
James Schmid (CAC - Member)

OTHER ATTENDEES

Josie Gaskey (PA Aggregates and Concrete Association (PACA))
Jeff Painter (PA Game Commission (PGC))
John Stefanko (DEP – Active and Abandoned Mine Operations)
Abbey Cadden (DEP – Policy)
Joe Iole (DEP – Legal)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Bill Allen (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Eric Oliver (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)
Matt Somogyi (DEP – New Stanton District Mining Office (DMO))
Andy Walker (DEP – New Stanton DMO)

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 minutes from the last meeting were approved without changes.

CORRESPONDENCE

It was announced that Mr. James Schmidt and Mr. Tim Collins were appointed to the board, Mr. Collins being an alternate for Senator Yudichak and Mr. Schmidt from the CAC.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee convened immediately prior to the Quarterly meeting on April 19, 2018. The Committee primarily discussed the proposed changes to the Water Supply Replacement regulations, including portions of 25 PA Code, Chapters 87 and 88. The Committee voted to move the regulatory package to the full Board for further consideration, presently scheduled for the July 19, 2018 meeting.

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 (US EPA) and the Bureau of Mining Programs (BMP) continue to communicate with updates concerning Sufficiently Sensitive Methods, Whole Effluent Toxicity Testing (WETT) and other pending issues.
- Historical Application Progress and the Permit Decision Guarantee (PDG): Mr. Carl 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.
 - The majority of permits remaining for action belong to the California DMO. As such, this specific DMO has been working with the US 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 March 2018), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of total agreements and fully funded trusts has remained constant from the last meeting.
- Land Reclamation Financial Guarantees (LRFG): Mr. Allen provided details on the increase of LRFG permits and amount underwritten, noting that the total underwritten amount increased since the last report. The Board previously recommended assessing the feasibility of increasing the limit of the LRFG program through an actuary. The Department has begun securing the necessary data to start this process.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information as of 2018 for the Reclamation Fee Account, including Coal

Civil Penalties, LRFG Premiums, and the substantial Civil Penalty transfer from October 2017.

- Regulatory Agenda: Mr. Allen mentioned developments with the following items:
 - Federal Office of Surface Mining (OSM) Program Consistency, is scheduled for the May Environmental Quality Board (EQB) meeting.
 - Water Supply Replacement Regulations (25 PA Code, Chapters 87 and 88), previously discussed in the RLT committee meeting.
 - Handling and Use of Explosives Regulations (25 PA Code, Chapters 210 and 211) was approved by the EQB on February 20, 2018. This regulatory package is under review by the Independent Regulatory Review Commission (IRRC) at this time.

- 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 March 2018).

Bond Rate Guidelines

Mr. Carl reported that currently, he does not have sufficient data to present guidelines for grading, revegetation or seed bed preparation. The Board discussed the merits of including hauling data on further reports, although there currently is not much data for hauling.

Updates from BAMR

Mr. Bradley updated the Board on the most recent current projects by BAMR, as well as the Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed and, the future projects the Bureau is advancing through the design phase. A complete list of the projects was provided in the Board's meeting materials.

MRAB Field Trip – July 18, 2018

Mr. Somogyi and Mr. Walker from the New Stanton DMO presented the Board with information on the location of the July Field Trip location. The destinations include the Mount Morris Passive Treatment System and the Mathies hydrogen peroxide (H₂O₂) Treatment System.

Reclamation and Remining Incentives Annual Report (2017)

Mr. Oliver presented the 2017 SMCRA report for the Board's review. The Department will include a color cover, and incorporate any changes from the Board before routing for legislative review.

Open Time

Dr. Snowden announced that one of the Board's members, Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) and State Conservation Commission (SCC)) would be serving on a panel involving unique types of recycling at the 2018 Professional Recyclers of Pennsylvania (PROP) Conference. This event will be held at the Best Western Premier Hotel and

Conference Center in Harrisburg, on July 25-27, 2018; Mr. Hughes will give his presentation on the second day of the conference (July 26).

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 12 p.m. The Board will meet again 9 A.M., July 19, 2018 at the New Stanton District Mining office, 131 Broadview Rd, New Stanton PA 15672.