

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
October 25, 2018

VOTING MEMBERS OR ALTERNATES PRESENT:

Rachel Gleason (PA Coal Alliance - Alternate)
John St. Clair (Citizens Advisory Council (CAC) - Member)
Duane Feagley (PA Anthracite Council - Alternate)
Jack Chamberlin (Jack R, Chamberlin Surveying - Member)
Benjamin Wren (PA Senate - Alternate)
Darrel K. Lewis (Allegheny Mineral Corporation/State Industries - Alternate)
Robert Burns (Keystone Anthracite Company, Inc. - Member)
Keith Salador (CAC – Alternate)

OTHER ATTENDEES

Lee Ann Murray (PA House of Representatives)
Matt Rindfuss (PA House of Representatives) (via Web-ex)
Richard Fox (PA House of Representatives)
Jeff Painter (PA Game Commission (PGC))
Joe Iole (PA Department of Environmental Protection (PA DEP) – Regulatory Counsel)
Jack Rokavec (PA DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Bill Allen (PA DEP – Bureau of Mining Programs (BMP))
Bruce Carl (PA DEP – BMP)
Sharon Hill (PA DEP – BMP)
Gregory Greenfield (PA DEP – BMP)
Eric Oliver (PA DEP – BMP)
Jennifer Gulden (PA DEP – BMP)
Paul Pocavich (PA DEP – BMP)
Daniel E. Snowden, D.Ed. (PA DEP - BMP/Board Liaison)

MEETING CALLED TO ORDER/INTRODUCTIONS

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

APPROVAL OF MINUTES

The minutes from the last meeting were approved without changes.

CORRESPONDENCE

It was reported that Mr. Gregory McBee had contacted the Board (per Dr. Snowden and Board Chairperson David Osikowicz) about the possibility of developing a former mining site as a hydroelectricity storage facility. The Board agreed to hear about this idea and Mr. McBee will give a presentation to the Board at the next quarterly meeting in January 2019.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee held a conference call on October 11, 2018. At this meeting, the Committee had a final discussion of the Water Supply Replacement Regulations and voted to send this regulatory package to the full Board. The full Board then voted to forward the regulatory package to the Environmental Quality Board (EQB).

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 PA DEP BMP continue to communicate with updates concerning the checklist, Sufficiently Sensitive Methods, Whole Effluent Toxicity Testing (WETT) and, other pending issues.
- 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.
 - The majority of the 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 September 2018), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially 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. PA DEP BMP has continued the necessary steps to start this process.

- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information for the Reclamation Fee Account as of 2018, 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 inclusion in the October 27, 2018 *PA Bulletin*.
 - The Board voted to forward the regulatory package to the EQB for approval during its next meeting.
 - Blasting and Explosives Regulations (25 PA Code, Chapters 210 and 211) reached final publication status as of June 2018.
- 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 2018).

Bond Rate Guidelines

Mr. Carl presented the reclamation bond rate guidelines, in terms of the 2019 calendar year costs for grading, revegetation, seed bed preparation and seed. Since the last report, the relevant amounts and numbers have only slight changes.

Updates from PA DEP BAMR

Mr. Rokavec updated the Board on the most recent current projects by PA DEP 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.

Draft Reclamation Fee Report

A number of comments on this document were received from the PA Coal Alliance and Penn Future. The Board's RLT Committee will discuss the issues mentioned in the comments on November 14, 2018. The full report is slated for publication at the end of 2018.

Open Time

2019 MRAB Meeting Dates

The Board scheduled its quarterly meetings for the 2019 calendar year. The Board will meet on January 17, April 25, July 17-18 (field trip), and October 24.

Sediment Pond Recertification

Mr. Oliver gave a brief presentation on this topic. There are some discrepancies in the State and Federal mining programs regarding this topic which were meant to be addressed in the PA DEP BMP Engineering Manual. A work group has convened to cover the issues related to this topic. The Board will continue to be notified as follow-up continues.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 12:00 p.m. The Board will meet again at 10:00 a.m. on January 17, 2019, in Room 105 of the Rachel Carson State Office Building, 400 Market St, Harrisburg PA 17101.