

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
January 23, 2020

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Member)
Jack Chamberlin (Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Tara Hazelwood (PA House - Alternate)
Rachael Gleason (PA Coal Alliance - Alternate)
Darrel K. Lewis (Alternate)
James Schmid (CAC – Member)
Glendon King (PA House - Alternate)
Bobby Burns (Member)
Duane Feagley (PA Anthracite Council - Alternate)

OTHER ATTENDEES

Amy Berrios (DEP – Office of Active and Abandoned Mine Operations)
John Stefanko (DEP – Office of Active and Abandoned Mine Operations)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Dave Thomas (DEP – Cambria DMO)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Gregory Greenfield (DEP – BMP)
Eric Oliver (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Ross McMann (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP - BMP/Board Liaison)
Joe Iole (DEP – Bureau of Regulatory Counsel)
Kate Cole (DEP – Policy)
Tim Collins (PA Senate)
LeeAnn Murray (PA House)
Mike Bodnar (Guest)

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.

CORRESPONDENCE

Senator Steven Santarsiero has been appointed to the Board from the Senate, following Senator Yudichak's departure.

COMMITTEE REPORTS

There were no new issues to report from any of the Board's committees.

PRESENTATIONS

Coal Mining Program Updates

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

- National Pollutant Discharge Elimination System (NPDES) Permitting: Mr. Carl presented the Board with the status of many of the NPDES permitting issues. The DEP is continuing its efforts to work with the United States Environmental Protection Agency (US EPA), including seeking input regarding the modified flow chart diagrams and Sufficient Sensitive Methods (SSMs) during the regular monthly calls.

Mr. Carl also provided the number of draft permits (as of September 2019) which were sent to the US EPA, and the number of those permits which had comments. In general, the US EPA continues to comment or object to fewer permits.

- initiatives: As of the day of the meeting, there were 63 Notice of Intent to Explore permits submitted, showing a consistent increase in the number of registrations. BMP continues to refine the mobile inspection process, including the distribution of inspection reports. Everything, including underground blasting inspections, are intended to be mobile by the end of the year.
- Trust Agreements/Bond Status: The Board was provided details on a variety of items regarding this topic:
 - Number and value of total agreements (between December 2015 and October 2019), 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 have remained steady since last presented to the Board.
- Land Reclamation Financial Guarantees (LRFG): Mr. Carl provided details on the increase of LRFG permits and amount underwritten, noting that the total underwritten amount, as of the morning of the meeting, was 48.5 million.
- Applications: Ms. Hill provided the Board with a detailed breakdown of application data, including the number of applications by each DMO, by application type, and also the time to process surface permit and NPDES renewals. All figures are available through the meeting materials on the website.
- Regulatory Agenda: Ms. Hill provided developments on the following items:
 - OSM Program Consistency has been approved by the Environmental Quality Board (EQB). It is to be considered for final rulemaking by the IRRC at the January 31, 2020 meeting.

- Water Supply Replacement, Chapters 87 and 88 received some comments, including from the Independent Regulatory Review Commission (IRRC). It is currently going through the draft process.
- Non-Regulatory Agenda: Several documents continue to be in the draft stage, including Subchapters F and G, Liners (Caps), and Surface Water Protection – Underground Bituminous Coal Mining Operations.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information for the Reclamation Fee Account, including Coal Civil Penalties, LRFG Premiums, the current expenditures as of June 30, 2019, and the projected expenditures for FY 19-20. The BMP is expecting more information from a potential actuarial agency regarding the potential increase of the rec fee account limit.
- Application Fee Revenues: Mr. Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to 2020 (December 31).

Bond Rate Guidelines

Mr. Carl provided the Board with current numbers for grading and revegetation costs on 2020 bond rate guidelines. He discussed grading rates using low bid values vs. the three lowest bid values, also using a number of bids based on number of project bids. He also provided the projected 2020 values based on current values.

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.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. Many of the open positions are in the final stages of consideration, while some key management positions are yet to be filled. The District Mining Offices also continue to address permit applications to ensure review in a timely manner and conduct weekly meetings regarding overdue permits. The creation of a workgroup specifically focused on processing renewals in the California DMO has shown some success, and the idea may be spread to the other District Offices.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:30 a.m. The Board will meet again on April 2, 2020 at 10:00 a.m., in Conference Room 105 of the Rachel Carson State Office Building, 400 Market St, Harrisburg PA 17101.