

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
April 2, 2020

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Skype)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Rachel Gleason (PA Coal Alliance - Alternate)
Darrel K. Lewis (Alternate)
James Schmid (CAC – Member)
Glendon King (PA House - Alternate)
Keith Salador (CAC - Alternate)
Duane Feagley (PA Anthracite Council - Alternate))

OTHER ATTENDEES

John Stefanko (DEP – Office of Active and Abandoned Mine Operations (AAMO))
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Eric Rosengrant (DEP – Moshannon District Mining Office (DMO))
Aaron Pontzer (DEP – Moshannon DMO)
Bill Allen (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Geoff Lincoln (DEP – Mining Programs)
Kevin Bogdan (DEP – Mining Programs)
Shuvonna Perry (DEP – Mining Programs)
Daniel E. Snowden (DEP Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation)
Joe Iole (DEP – Bureau of Regulatory Counsel)
Kate Cole (DEP – Policy Office)
Jacob Gery (PA House)

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

The Board received no correspondence since the last Quarterly Meeting.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee met on March 16, 2020, to discuss several documents put forward by the Department for review. The Committee voted to move the Water Supply Replacement regulations package forward to the full Board and passed a motion to adopt during the meeting.

The RLT Committee also suggested revisions to the Coal Civil Penalties Technical Guidance Document and the Coal Refuse Disposal regulations. The Bureau of Mining Programs will work with the Committee to refine the proposals before the next Quarterly MRAB meeting in July.

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), although recent monthly calls had to be rescheduled due to office closures.

Mr. Carl also provided the number of draft permits (as of February 2020) 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 ePermits submitted. One future update to the ePermitting process is a bonding module to improve the review time of the bonding process. Pre-application and maintenance screen updates originally developed for June have been delayed.
- 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 February 2020), 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 the amount underwritten, noting that the total underwritten amount, as of the morning of the meeting, was \$48.7 million.

- Applications: Ms. Hill provided the Board with a detailed breakdown of application data, including the number of applications by each DMO and revision and application type. All figures are available through the meeting materials on the website.
- Regulatory Agenda: Ms. Hill provided developments on the following items:
 - OSM Program Consistency Rulemaking: Approved by Independent Regulatory Review Commission (IRRC) on January 31, 2020, since published.
 - Water Supply Replacement Rulemaking: Modified to reflect minor changes from the RLT Committee, starting finalization process.
 - Coal Refuse Disposal Rulemaking: Comments from last Committee meeting currently being incorporated into Draft.
- Non-Regulatory Agenda: Several technical guidance documents continue to be in the draft stage, including Remining and Liners (Caps). The Engineering Manual and Alkaline Addition technical guidance documents are being routed for finalization.
- 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 updated actual expenditures for the current fiscal year through February 29, 2020.
- 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 (February 29).

Bond Rate Guidelines

Mr. Carl informed the Board that there was no current data for reclamation projects for this year available at this point, but updated information should be available for the July Board meeting. There is a significant drop in grading rates versus last year. The new rates became effective on April 1, 2020, following publication in the *PA Bulletin* on March 7, 2020.

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. Additionally, BAMR reported that Pennsylvania will receive \$32.2 million in AML grant monies and that the AML Pilot Projects program would receive \$25 million. No action has been taken on the AML Fee Reauthorization.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the status of vacancies and workloads in the District Mining Offices. The DMOs have transitioned to teleworking for the duration of the government-mandated

quarantine. They are continuing to maintain and issue permits but have suspended inspections outside of emergencies. The hiring process for the existing vacancies has been put on hold for the foreseeable future.

MRAB Annual Reports

The Board approved the MRAB Annual Reports for July 2017-June 2018 and July 2018-June 2019. Both reports will be revised prior to their submission to the General Assembly.

July MRAB Field Trip

Mr. Rosengrant from the Moshannon DMO presented the Board with information on sites included in the July Field Trip. The Board will tour two active sites, with two other possible passive sites if the schedule allows. The full presentation is provided in the meeting materials.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:30 a.m. The Board will meet again at 10:00 A.M., on July 16, 2020, at the Moshannon District Mining Office, 186 Enterprise Drive, Phillipsburg, PA 16866, with the Field Trip being held the previous day (July 15, 2020).