

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
January 21, 2021

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Skype)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (CAC - Member)
James Schmid (CAC – Member)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Mark Fetzko (PA Senate – Alternate)
Darrel K. Lewis (Allegheny Minerals Corporation – Alternate)
Glendon King (PA House - Alternate)
Tara Hazelwood (PA House – Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

John Stefanko (DEP – Office of Active and Abandoned Mine Operations (AAMO))
Amy Berrios (DEP – AAMO)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
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)
Jennifer Gulden (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Thomas Barron (DEP – Bureau of Clean Water (BCW))
Michael Lookenbill (DEP – BCW)
Kristen Schlauderaff (DEP – BCW)
Kate Cole (DEP – Policy)
Nicholas Troutman (PA Senate)
Michael Bodnar (Michael Bodnar Environmental) (Guest)
David Hess (PA Environmental News) (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 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 December 15, 2020 via Skype to discuss the Remining Technical Guidance Document (TGD). Ms. Hill reviewed the TGD with the Committee, who made several suggestions and comments to the document.

Mr. Allen followed up on two questions the Committee had asked at the meeting regarding eligibility requirements. Coal preparation plant sites would not be eligible for Subchapter F type protection, as they fall under Chapter 89, which does not include Subchapter F requirements. A consent order may be able to be negotiated on a case specific basis. Regarding surface effects of an underground mine, the details of the case would matter, but surface activities would be regulated under Chapter 87, which includes subchapter F.

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 provided the number of draft permits (as of December 2020) which were sent to the United States Environmental Protection Agency (US EPA), and the number of those permits which had comments. The DEP has resumed its monthly calls with the US EPA.
- eInitiatives: As of the day of the meeting, there were 88 Notice of Intent to Explore ePermits submitted. The online version of the Annual Production Report was completed for use in December, with user training available. Permittees are encouraged to use the online reporting tools. As of the meeting date, about two dozen permit reports were received electronically. The deadline was extended to January 31, 2021.
- 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 December 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 both stayed the same since last presented to the Board.
- Land Reclamation Financial Guarantees (LRFG): Mr. Carl provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of September 2020 was \$48.5 million.

- Applications: Ms. Sharon Hill provided the Board with a detailed breakdown of application data, including the number of applications by each DMO, revision and, application type. All figures are available through the meeting materials on the website. This information reflects the entirety of 2020.
- Regulatory Agenda: Ms. Hill informed the Board that Water Supply Replacement regulations should be published as final in Spring 2021. The Coal Refuse Disposal regulations are also being prepared for publication by the Environmental Quality Board (EQB) in the near future.
- Non-Regulatory Agenda: The Civil Penalties TGD is in the final publication process and was provided to the Board in the handouts. The Engineering Manual is open for public comment until January 28, 2021. The Liners and Caps TGD is being redrafted and will be presented to the Board before being published as draft. The Surface Water Protection for Underground Bituminous Coal Operations TGD is undergoing preliminary drafting and, will be provided to a CAC workgroup for review as it becomes available.
- Technical Items: The GP-104 revision has been published for public comment until February 8, 2021. A schedule for the reissuance process is available in the meeting handouts. A Standard Operating Procedure (SOP) for non-mining related activities is being considered, but no formal drafting has been started.
- 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, as of the end of 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.

Bond Rate Guidelines

Mr. Carl discussed the preliminary Coal Bond Rates for 2021, in terms of grading costs. Using the lowest bid data, the grading on the 12 received projects ranged from \$0.80/cubic yard for grading up to 500 feet, and \$1.40/cubic yard for grading over 500 feet. Select grading and grading and haul from 1,000 feet to 1 mile had no additional data, and both rates remain the same. Revegetation costs increased from previous years, which in turn affected Stage 3 maintenance bonds.

Manganese Water Quality Standard Presentation

Ms. Kristen Sclauderaff from the Bureau of Clean Water gave a presentation on Manganese Water Quality Standards. The EQB has proposed a new standard for manganese, which was prompted by Act 40. Details on the proposed updates affecting Chapters 93 and 96 are available in the presentation, available in the meeting materials.

Proposed changes were published to the *PA Bulletin* in July 2020, with a public comment period ending in September. 2020. The DEP is currently reviewing the received comments and is

formulating a formal recommendation, but it still welcoming manganese data from industry members. The DEP hopes to have something finalized and ready for Board review available in late 2021 or early 2022.

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. For 2019, there were 157 projects covering 519 acres, with cost of \$32.3 million. For 2020, there were 124 projects covering 153 acres, with a cost of \$8.7 million. Currently for 2021, there are 66 projects under an active contract, with a cost of \$142.5 million dollar. There are 79 projects with future cost in excess of \$100 million. In 2020, there were 63 emergency projects, with cost over \$2.5 million. As of the date of the meeting, BAMR has already addressed 3 emergency projects, with a cost of over \$63,000.00.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. The DMOs continue to telework while also addressing emergencies and complaint investigations. Several vacancies within the DMOs have been filled.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:40 a.m. The Board will meet again at 10:00 A.M., April 22, 2021 via Skype.