

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
July 15, 2021

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Microsoft Teams)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (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)
Emily Eyster (PA Senate – Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

Amy Berrios (DEP – AAMO)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Michael Bodner (DEP – BDMO)
Aaron Pontzer (DEP – Moshannon DMO)
Troy Williams (DEP – California 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)
Michaela Plazek (DEEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Michael Lookenbill (DEP – Bureau of Clean Water (BCW))
Abbey Cadden (DEP – Policy)
Christopher Minott (DEP – Legal)
Michael Bodnar (Michael Bodnar Environmental) (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 welcomed Sen. Carolyn Comitta and Emily Eyster to the MRAB as Member and Alternate, respectively.

COMMITTEE REPORTS

There were no Regulatory, Legislative and Technical (RLT) or other Committee meetings since the last quarterly Board meeting.

DELIVERABLES

In the future, a new section of the minutes will contain items requested by the Board, to ensure all requested items are presented to the Bureau of Mining Programs (BMP). All items requested in the last meeting were provided within this meeting's materials.

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 June 2021) which were sent to the United States Environmental Protection Agency (US EPA), and the number of those permits which had comments. The DEP has continued its monthly calls with the US EPA. Current topics included revisions on Coal and Noncoal Permit templates and the continuing data uploads from the Water Management System.
- eInitiatives: As of the day of the meeting, there were 113 Notice of Intent to Explore ePermits submitted. The Pre-app module is still in development through the IT department. Additionally, an in-house permit development system is still pending, with a tentative expectation to see progression later this year. Approximately 540 individual NPDES permits have been registered as electronic Discharge Monitoring Reports (eDMRs).
- 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 June 2021), 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 June 2021 was \$49.1 million. The BMP completed an actuarial study regarding the LRFG program

and will post the results on the websites and provide the Board with materials for Committee discussion as it becomes available.

- Applications: Ms. Sharon Hill provided the Board with a detailed breakdown of application data, including the number of applications by each District Mining Office (DMO) and revision and application type. All figures are available through the meeting materials on the website. This information reflects the period from January 1 to June 18, 2021.
- Regulatory Agenda: Ms. Hill informed the Board that Water Supply Replacement was published in June as final. Three Technical Guidance Documents (TGDs) and two forms will be updated to include the new information.
- Non-Regulatory Agenda: The Engineering Manual is currently being revised by the DMOs to address received public comments. The Remaining TGD is set to be published for comments in July. The Surface Water Protection for Underground Bituminous Draft TGD has been submitted to the PCA workgroup.

The Liners and Caps TGD was updated to include Caps in the title. This TGD is still pending public comment but was reviewed by a CAC workgroup in December 2020. The document was revised to reflect comments from the workgroup. Publication as Draft will continue after internal BMP review.

- Technical Items: The BMP is continuing to work with the DMOs on the Noise Standard Operating Procedure (SOP). The Not Started Permit SOP is nearing completion. Wording in Module 1 has been changed because PA Historical and Museum Commission (PHMC) have updated their review process to be online. Module 4 has been integrated into Module 1, and so Module 4 will be reworked as Reserved.

The renewal process for technical items has been examined by BMP and undergone simplification through the LEAN process. Additional comments regarding the renewal process has been requested by the Board or Industry Members with a deadline of July 30.

- 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 June 30.
- 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 2021.

Bond Rate Guidelines

Mr. Carl discussed the preliminary Coal Bond Rates for 2022, in terms of grading costs. Using the lowest bid data, the grading on the 4 currently received projects ranged from \$0.88 for grading up to 500 ft, and \$2.35 for grading over 500 ft. Select grading and grading and haul from 1000 ft. to 1 mile both remain the same. Revegetation costs increased from \$1830.00 in 2020 to \$2000.00 in 2021.

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 2020, there were 158 projects covering 521 acres with a cost of \$33.6 million. Currently for 2021, there are 22 completed projects with a \$1 million dollar cost. There are 61 action projects with a future cost in excess of \$132 million.

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 will transition to the DEP's partial telework schedule while also addressing emergencies and complaint investigations. Several vacancies within the DMOs have been filled.

MRAB October Field Trip

Mr. Ponzer from the Moshannon DMO provided the Board with information on the upcoming October field trip. The locations include the Avery Coal Co. in Pine Glen, Thompson Brothers Coal Company in Alder Run, and Chews Contracting Co. in Morgan Run.

October Deliverables

For the next meeting, the BMP will provide a posted LFRG Actuarial Study also set up the Committee meeting with Mr. Feagley for its discussion. The draft of the Rec O&M Fee Report will also be provided.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:40 a.m. The Board will meet again at the Moshannon District Mining Office, 186 Enterprise Drive, Phillipsburg, PA 16866 for the Annual Field Trip on October 20, 2021 and, for the Meeting at 9:00 a.m. on October 21, 2021.