

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

VOTING MEMBERS OR ALTERNATES PRESENT:

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)
James Schmid (CAC – Member)
Thaddeus Stevens (CAC – Member)
Rep. Carl Walker Metzgar (PA House – Member)
Darrel K. Lewis (Allegheny Minerals Corporation – Alternate)
Glendon King (PA House - Alternate)
Tara Hazelwood (PA House – Alternate)
Emily Eyster (PA Senate – Alternate)
Lori Dayton (Specialty Granules LLC (SGI) - Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

Amy Berrios (DEP – Active and Abandoned Mine Operations (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)
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))
Josie Gaskey (PA Aggregate and Concrete Association (PACA) – Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 9:00 a.m. Board members and DEP personnel introduced themselves.

APPROVAL OF MINUTES

The minutes from the last meeting were approved without changes. The motion was put forward by Mr. Schmid and seconded by Mr. Chamberlin.

CORRESPONDENCE

Representative Metzgar has joined the Board as a Member, and Glendon King will continue to serve as Alternate.

COMMITTEE REPORTS

The Reclamation Committee remotely met on September 15 to discuss the actuarial study provided by the BMP for the Land Reclamation Financial Guarantee (LRFG) fund. The LRFG fund is financially sound as of June 2021. The report notes that the fund is susceptible to catastrophic losses. Options to address this possibly included maintaining a minimum surplus of \$10 million in the Fund, limiting new permit holders and operators by 30 percent, and evaluating the LRFG program to make it comparable to surety bond programs.

DELIVERABLES

All items requested in the last meeting (i.e. Reclamation Fee Revenue Information and MRAB Annual Reports (July 2019-June 2020 and July 2020-June 2021) were provided within this meeting's materials.

PRESENTATIONS

Coal Mining Program Updates

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

- National Pollutant Discharge Elimination System (NPDES) Permitting: As of August 2021, 1,207 Draft Permits were sent to the United States Environmental Protection Agency (US EPA), of which 465 had comments. The DEP has continued its monthly calls with the US EPA. The US EPA continued to request eDMR compliance data.
- eInitiatives: As of the day of the meeting, there were 124 Notice of Intent to Explore ePermits submitted. Approximately 680 individual NPDES permits have been registered as electronic Discharge Monitoring Reports (eDMRs). More tools for inspectors are expected to roll out in November.
- 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 August 2021), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially funded trusts has stayed the same since the last meeting, but bonds and fully funded trusts both increased by 1.

- Land Reclamation Financial Guarantees (LRFG): Mr. Greenfield provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of August 2021 was \$49.1 million.
- 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 September 25.
- Regulatory Agenda: Water Supply Replacement was published at PA Code online on September 20. Coal Refuse Disposal is continuing to move to the Environmental Quality Board (EQB). Its comment period ends in December.
- Non-Regulatory Agenda: The Engineering Manual is continuing to be processed by the DMOs. Due to the length of the document and the number of public comments, the manual is expected to have an extended revision time. The Draft of the Liners/Caps Technical Guidance Document (TGD) has been published and received 3 public comments. The Draft Remining TGD was published and received 1 comment, and the final version is being prepared. Surface Water Protection for Underground Bituminous was submitted to the CAC.

Additionally, some received public comments were submitted in non-standard formats. BMP requests that public comments be submitted as formal letters with the comments and reasoning explained. This would improve the time it takes to resolve comments.

- Technical Items: The Noise and Not started Standard Operating Procedures (SOPs) have been published and are available on the website. The Non-mining related activities SOP is still in the development stage. The Prime Farmland module has been updated, and the Streams/wetlands module is being updated.
- 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 for fiscal year 2020-2021.
- 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 September 2021.

Bond Rate Guidelines

Mr. Greenfield provided the Board with the preliminary Coal Bond Rates for 2022, in terms of grading costs. Using the lowest bid data, the grading on the 6 currently received projects ranged from \$0.85 for grading up to 500 ft, and \$1.60 for grading over 500 ft. Select grading, grading and haul from 1000 ft. to 1 mile, and revegetation remain unchanged.

2021 Reclamation Fee Fiscal Year Report

The Reclamation Fee Report for 2021 is in the finalization process. PCA submitted a public comment noting the contracting of the industry that the ABS legacy sites might not be able to be

supported by mining alone. The Board briefly discussed future sources of funding from current federal legislation.

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 45 completed projects with a \$10.6 million dollar cost. There are 59 active projects with a cost of \$120 million, and 80 future projects with an expected cost in excess of \$99.4 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. Several vacancies within the DMOs have been filled.

MRAB Annual Reports, 2019-21

Ms. Hill provided the MRAB Annual Reports from 2019 through 2021 to the Board for approval. The motion was put forth by Mr. Lewis, and seconded by Mr. Schmid, with no objections.

2022 MRAB Meeting Dates

The Board set meeting dates January 20, April 7, July 21, and October 12-13, 2022. Details about the October field trip, tentatively around the Pottsville area, will be provided as they become available.

February Deliverables

When it is available, the BMP will provide the Board with the Prime Farmland and Stream/Wetlands modules. Both are currently in preliminary development at this time.

The Board also wanted the LRFG program information percentages, and Mr. Greenfield will provide the Board with the Final of the 2021 Reclamation Fee Fiscal Report.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 10:15 a.m. The Board will meet again on January 20, 2022 at 10:00 a.m. at the Rachel Carson State Office Building, 16th Floor Delaware Room, 400 Market St, Harrisburg, PA 17101. The meeting will also be available through Microsoft Teams.