

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
April 7, 2022

VOTING MEMBERS OR ALTERNATES PRESENT:

Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
David Osikowicz (Original Fuels, Inc. – Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (Western PA Conservancy (WPC)/CAC - Member)
James Schmid (CAC – Member)
Duane Feagley (PA Anthracite Council (PAC) – Member)
Lori Dayton (Specialty Granules, Inc. - Member)
Keith Salador (CAC – Alternate)
Kenneth King (State Industries, Inc. – Alternate)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Glendon King (PA House - Alternate)
Tara Hazelwood (PA House - Alternate)
Emily Eyster (PA Senate – Alternate)

OTHER ATTENDEES

John Stefanko (DEP – 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)
Seth Pelepko (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Kevin Bogdan (DEP – Mining Programs)
Michaela Plazek (DEP – Mining Programs)
Gregory Shuler (DEP – Mining Programs)
Melanie Barber (DEP – Mining Programs)
Nathan Houtz (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Troy Williams (DEP – California DMO)
Brian Chalfant (DEP – Policy)
Abbey Cadden (DEP – Policy)
Michelle Moses (DEP – Regulatory Counsel)
Christopher Minott (DEP – Regulatory Counsel)
Robert “Bo” Reiley (DEP – Regulatory Counsel)

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

Mr. King requested a motion that a more detailed report of the discussion of Manganese from the previous meeting to be included in the minutes. This motion passed with 9 yeas and 2 abstentions. Provided this amendment, the minutes were approved by the majority.

CORRESPONDENCE

There was no new correspondence since the last meeting.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee met twice since the last meeting. On February 24, 2022, the RLT Committee reviewed the Liners and Caps Technical Guidance Document (TGD) and made several recommendations and suggestions. On March 17, 2022, a joint meeting was held with the DEP and the RLT Committees of both Aggregate Advisory Board and the MRAB to discuss the Engineering Manual. It was determined that the current document is too difficult to update in its current state, and that the DEP and industry members would meet in workgroups to create a new and more manageable document.

DELIVERABLES

No deliverables were requested in the previous meeting.

PRESENTATIONS

Coal Mining Program Updates

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

- E-Initiatives: For 2021, there were 193 Annual Production Reports submitted electronically, an increase from 142 in 2020. Approximately 768 individual National Pollutant Discharge Elimination System (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 March 2022), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially funded trusts and total bonds have remained the same since the last meeting, with the total amounts for fully funded and partially funded trusts increasing to \$240.6 and \$95.6 million, respectively.

- Land Reclamation Financial Guarantees (LRFG): Mr. Greenfield provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of March 2022 was \$47 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 from January to March 2022. All figures are available through the meeting materials on the website.
- Regulatory Agenda: The final rulemaking for Coal Refuse Disposal is scheduled to be presented to the EBQ on May 18, 2022.
- Non-Regulatory Agenda: The Water Supply Replacement TGDs are being updated to comply with changes to Chapters 77 and 88. Several edits are being made to them, including the removal of embedded forms and sample letters, and to generally standardize the documents. The Bureau of Mining Programs (BMP) will meet with DMO staff during the formulation of the new Engineering Manual. Work has started to update on the Trust Guidance TGD, which was in Draft since 2007. The document will be more specific towards industry issues, while department specific issues will be transitioned to Standard Operating Procedures (SOPs).
- Technical Items: The Non-mining related activities SOP is still in the development stage. Early development is starting for an Incidental Coal application, and the Board will be updated as the development process continues.
- 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 fiscal year 2021-2022 through March.
- Status of Big Run Unsuitable for Mining (UFM) Study: The Big Run UFM study has been completed and is still being finalized.
- Renewal of Coal Mining Activity Application: Ms. Hill presented the Board with a draft of an updated application. The new application has been streamlined for both DEP and industry use and may decrease DMO processing time. Ms. Hill asked the Board for any comments or suggestions.

Liners and Caps

The Liners and Caps TGD was presented to the Board. It is currently ready for final. The Board has worked to incorporate both comments from the Board and from the MRAB RLT Committee. One change that was noticed by the Board was incorporating a public comment regarding low conductivity soils which applied to Liners.

2020 Reclamation and Remining Incentives Report

Mr. Greenfield provided the Board with the 2020 version of the report. The report was streamlined to remove unnecessary duplications and should make it easier to generate the report in the future. The 2021 report should be available for the July MRAB meeting.

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 2021, there were 155 projects covering 365.5 acres with a cost of \$20.2 million. Currently for 2022, there has been 1 completed project with a \$14.6 million dollar cost. There are also 71 active projects with a cost of \$105 million and, 55 future projects with an expected cost in excess of \$99 million.

BAMR is also considering the Swoyersville Refuse Pile, north of Wilkes-Barre as a location for the October Field Trip. A formal presentation on the site will be included in the July meeting.

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, including Pottsville's new District Mining Manger, New Stanton's Technical Chief, and Moshannon's Acting District Mining Manager

Bill Allen and Bruce Carl Retirement

The Board thanked Mr. Allen and Mr. Carl for their exceptional service and assistance to the Board and, congratulated them on their retirement.

February Deliverables

There were no deliverables requested from the BMP for the next meeting.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:45 a.m. The Board will meet again on July 21, 2022 at 10:00 a.m. at the Rachel Carson State Office Building, Delaware Conference Room, 16th Floor, 400 Market St, Harrisburg, PA 17101. The meeting will also be available through Microsoft Teams.