

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
October 13, 2022

VOTING MEMBERS OR ALTERNATES PRESENT:

Jack Chamberlin (Chamberlin Surveying and Consulting – 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)
Robert Burns (Burns Coal Company, Inc. – Member)
Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation – Member)
Kenneth King (State Industries, Inc. – Alternate)
Rachael Gleason (PA Coal Alliance (PCA) – Alternate)
Glendon King (PA House – 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))
Nathan Houtz (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Gregory Shuler (DEP – Mining Programs)
Michaela Plazek (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Melanie Barber (DEP – Mining Programs)
Seth Pelepko (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Patrick Webb (DEP - BAMR)
Kim Snyder (DEP – BAMR)
Daniel Koury (DEP – Pottsville DMO)
Richard Marcil (DEP – Legal)
Louie Krak (DEP – Policy)
Michael DiMatteo (PA Game Commission – Guest)
Jeffrey Painter (PA Game Commission – Guest)
Scott Linde (Linde International, Inc. – 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

A motion to pass the July 21 meeting minutes passed without objection.

CORRESPONDENCE

The updated State Water Plan was sent to Board members for their review.

COMMITTEE REPORTS

There were no Committee meetings to report.

DELIVERABLES

No deliverables were requested in the previous meeting.

PRESENTATIONS

Coal Mining Program Updates

Gregory Greenfield and Sharon Hill updated the Board on the coal mining program:

- Trust Agreements/Bond Status: The Board was provided details on a variety of items regarding this topic including the following:
 - The number and value of total agreements between December 2015 and September 2022 (i.e., bonds, fully funded trusts, and partially funded trusts, including Alternative Bond System (ABS) sites).
 - The number of partially funded trusts and total bonds have remained the same since the last meeting. The total amounts for fully funded trusts and partially funded trusts both decreased to \$207.9 million and \$84 million, respectively.
- Land Reclamation Financial Guarantees (LRFG): Greenfield provided details on the number of LRFG permits and amount underwritten. The total underwritten amount was \$46.6 million as of September 2022.
- Reclamation Fee and LRFG Accounts: The Board was shown the current information for the Reclamation Fee Account, including Coal Civil Penalties and LRFG Premiums for fiscal year (FY) 2021-22.
- Application Fee Revenues: Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for FY 2021-2022 through August 31, 2022.
- Bond Rate Guidelines: Greenfield proposed setting up a Reclamation Committee meeting in November 2022 to discuss the proposed bond rates for 2023 and how they were calculated.
- National Pollutant Discharge Elimination System (NPDES) Permitting: The United States Environmental Protection Agency (US EPA) meets regularly with BMP to discuss topics including Total Maximum Daily Loads (TMDLs) and effluent characterization.

- eInitiatives: The e-Permitting system continues to be updated. The pre-application for Bituminous Surface Mining Permit (SMP) was recently added. Approximately 792 individual facilities have been registered with electronic Discharge Monitoring Reports (eDMRs).
- Applications: 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 2022 to October 2022. All figures are available through the MRAB meeting materials on DEP's website.
- Regulatory Agenda: IRRC approved the final Coal Refuse Disposal Revisions rule on July 21, 2022. The final rule was published in the *Pennsylvania Bulletin* on September 10, 2022, at [52 Pa.B. 5804](#).
- Non-Regulatory Agenda: The Water Supply Technical Guidance Documents (TGDs) are still being updated in response to the Water Supply Regulation change. The Engineering Manual overhaul is currently in the workgroup stage.
- Technical Items: The Incidental Coal application has been modernized for ease of use and is available on the e-Library. BMP is also continuing the process for updating the renewals application and will update the Board as it becomes available.

Draft Reclamation Fee Report

Greenfield presented the Board with the updated Draft Fee Report. It received no public comments. The fee will continue to be \$100.00 for 2023. The Civil Penalty and Land Reclamation Financial Guarantees (LRFG) funds from 2021 will be moved to the Reclamation Fee Operations and Maintenance (O&M) Trust Account, which should provide a more accurate figure for the O&M Trust Account.

Updates from BAMR

Brian Bradley updated the Board on BAMR's current projects, as well as the Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed and the future projects the BAMR is advancing through the design phase. A complete list of the projects was provided in the Board's meeting materials. For 2021, there were 169 projects covering 407.6 acres with a cost of \$22.2 million. Currently for 2022, 46 projects were completed covering 125.2 acres with a \$21.5 million dollar cost. There are currently 66 active projects with a cost of \$87.5 million and 52 future projects with an expected cost in excess of \$119.7 million.

Updates from the District Mining Offices

Dan Sammarco updated the Board on the current status of vacancies and workloads in the DMOs. Several vacancies within the DMOs continue to be filled.

Full-Time Equivalents

Seth Pelepko shared with the Board a breakdown of position counts across the assorted AAMO offices. In general, many offices have seen a reduction in open positions. This information is available on the MRAB website for further review.

2023 Meeting Dates

The Board arranged the meeting dates for 2023. Meetings will be on January 12, April 13, July 20, and a fall meeting and field trip (location to be determined) on October 11 and 12.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 10 a.m. The Board will meet again on January 12, 2023, 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.