

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
April 13, 2023

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Original Fuels, Inc. – Member)
Jack Chamberlin (Chamberlin Surveying and Consulting – Member)
Cynthia Carrow (Western PA Conservancy (WPC)/CAC – Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)/State Conservation Commission (SCC) – Member)
Rep. James Haddock (PA House – Member)
Duane Feagley (PA Anthracite Council (PAC) – Member)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Kenneth King (State Industries, Inc. – Alternate)
Emily Eyster (PA Senate – Alternate)
Jacob Gery (PA Senate – Alternate)
Glendon King (PA House – Alternate)

OTHER ATTENDEES

John Stefanko (DEP – Active and Abandoned Mine Operations (AAMO))
Daniel Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Joseph Sassaman (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Amy Berrios (DEP – AAMO)
Nathan Houtz (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Melanie Barber (DEP – Mining Programs)
Elizabeth Gnazzo (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Patrick Webb (DEP – BAMR)
Richard Marcil (DEP – Legal)
Cole Gessner (DEP – Policy)
Josie Gaskey (PA Aggregates and Concrete Association (PACA))
Katie Glock (J & W Asphalt)
Jeffrey Painter (PA Game Commission (PGC))

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. Board members, DEP personnel and other attendees introduced themselves.

APPROVAL OF MINUTES

The minutes from the January 12, 2023 meeting minutes were approved unanimously, without objection.

CORRESPONDENCE

There was no correspondence to report.

COMMITTEE REPORTS

There were no Committee Reports to present at today's meeting.

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: Mr. Greenfield noted the one change between January to April on the table was due to a site where a postmining discharge is no longer non-compliant, so that Trust will be closed out.
- Land Reclamation Financial Guarantees (LRFG): The Board asked if the operator and permit limits for the Program would be revised given the recent increases in costs. This will be a deliverable for the Bureau of Mining Programs (BMP) at the next Board meeting in July.
- Rec Fee Account Revenue: Mr. Greenfield noted that the reason for the negative number in January was that coal civil penalties account was incorrectly credited twice; fiscal corrected the mistake, thus the reason for negative showing in that month.
- Applications: Ms. Hill reviewed the tables with the stats of applications in/out and currently in process.
- Regulatory and Non-Regulatory Agendas and Technical Guidance Documents (TGDs): There are no active items so none were discussed.
- e-Permitting: Electronic Hydrologic Monitoring Reports (eHMRs) and Discharge Monitoring Reports (eDMRs) are being submitted on a more regular basis, with fewer questions from submitters, and less confusion on their end.
- Annual Production Reports: This reporting process will receive updates for next year.
- Forms and Process Updates: The newly reformatted mining permit renewal form is currently in document processing. The document could be available for use within one month.
- GP-104: This permit expires in early 2026. BMP is transitioning the Notice of Intent for coverage of this National Pollution Discharge Elimination System (NPDES) general permit

(Stormwater only) to the e-permitting system and will, concurrently, make sure all operators are registered with the eDMR program for mandated electronic submissions.

- NPDES Permits: An inquiry about a specific detection limit and water quality issue was raised. Details and questions should be sent to BMP in order to receive timely follow up.

Updates from BAMR

Patrick Webb provided the Board with the customary status report on its completed, active, and future projects (including emergency and fully State-funded projects):

Emergencies: In 2023 so far, there have been 31 Abandoned Mine Land (AML) Fund emergencies (there are about 80 per year, on average). Many of these emergencies were related to vertical openings (mine subsidence), contract projects involving homes and buildings, mine gases and mine blowouts.

Projects: In 2021, there were 175 projects completed, reclaiming 430.9 acres, at a cost of about \$23.9 million. In 2022, there were 128 projects completed, reclaiming 430.4 acres, at a cost of about \$50.9 million. For 2023, there are 38 projects planned that will reclaim 877.9 acres, at a cost of about \$108.1 million. Finally, there are 71 future project awards in the design phase that will reclaim 1,639 acres, at a cost of about \$146.5 million.

Funding Status:

- Bipartisan Infrastructure Law (BIL): The first annual award of \$244.9 million has been provided to Pennsylvania (under the BIL, there will be 15 such annual awards). So far, 6 projects have been awarded, at a total of \$4.7 million, and once 1 additional project is awarded, a total of \$5.3 million of BIL monies will be obligated for projects. The main challenge for some projects involves getting property owner consent.
- Stream Act: The existing BIL Fiscal Year (FY) 2022 grant has been amended and submitted to the Federal Office of Surface Mining (OSM) on March 23, 2023 to allow for 30% of the monies to go into the newly-established State Steam Act Set-Aside Account. OSM is currently reviewing this grant amendment.
- Notice of Funding for 2023 AML Fee-Based Grant: Pennsylvania will be able to apply for \$21 million in funds from this grant.
- Abandoned Mine Land Economic Revitalization (AMLER): In the proposed 2024 Presidential budget, \$28.9 million is being proposed for the AMLER program in Pennsylvania. In 2023, Pennsylvania received the notice of funding opportunity of \$29.34 million for this program and, for 2022 and 2021, there are still AMLER funds available (\$18.1 million and \$15.3 million, respectively). The new AML/Acid Mine Drainage (AMD) grant program has reviewed 29 applications; some have been recommended for grant awards and, some have not. Some of the approved applications may use 2021 and 2022 AMLER funding and, BIL funding. Other related matters mentioned included: 1) the status of unspent

AMLER funds (projects are in the queue now, but more details are needed as to how the funds will be spent); and 2) improving the review and public notices for potential future AML sites that could use BIL monies.

Updates from the District Mining Offices

Dan Sammarco reported to the Board about where matters stood with filling vacancies in the District Mining Offices (per budget-approved categories); permit application workloads (many of these are renewal applications); and the continued effort to get operators registered with various electronic reporting submissions.

- Electronic HMRs and DMRs: these are moving more efficiently.
- Workflow Barometer: more applications are going out than coming in and, the Permit Decision Guarantee (PDG) backlog is decreasing.
- State File Review: The United States Environmental Protection Agency (US EPA) will look at selected DMO mining permits (up to 30 of these) from one or two DMOs. Elements that will be reviewed include: 1) documented violations; 2) enforcement; 3) penalty assessment; 4) inspections; and, 5) data input. The US EPA will begin its review in May or June of 2023.
- National Pollutant Discharge Elimination System (NPDES) Workload Assessment: The United States Environmental Protection Agency (US EPA) is planning a NPDES workload assessment study. The assessment will evaluate State program resources such as staffing funding, and technical capacity of the programs. The study is expected to start in May of 2023.

UPDATES

The Deputy Secretary for Active and Abandoned Mine Operations (AAMO) reported on staffing changes in the Policy Office (noting the new Policy Director, Ezra Thrush, and the Policy Specialist assigned to the Mining Program, Cole Gessner) and reported that information on the Secretary's 10-point plan was being gathered (the Secretary supports additional resources for AAMO and its Bureaus).

Mr. Greenfield informed all parties about potential license processing delays due to a recent retirement in the licensing section. The processing of mining license renewal applications may take longer than usual until a replacement is brought on board. He noted that as long as a renewal application is received before the license expires, the "pending" status is treated as an active license.

NEXT MEETING AND FIELD TRIP

In response to a request from an alternate, the Board voted to move its October meeting and field trip from October 11-12, 2023 to October 18-19, 2023.

ADJOURNMENT

The Board adjourned its meeting at approximately 10:48 a.m.