

**MEETING MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)**

January 4, 2024

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Original Fuels, Inc – Member)
Jack Chamberlin (Chamberlin Surveying and Consulting – Member)
Cynthia Carow (Western PA Conservancy (WPC)/Citizens Advisory Council (CAC) – Member)
John St. Clair (Rosebud Mining Company/CAC – Member)
Robert Burns (Burns Coal Company, Inc.– Member)
Duane Feagley (PA Anthracite Council (PAC) – Alternate)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Emily Eyster (PA Senate – Alternate)
Jacob Gery (PA Senate – Alternate)
Jacob Misal (PA House – Alternate)
Kenneth King (State Industries, Inc. – Alternate)

OTHER ATTENDEES

Joseph Sassaman (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Nate Houtz (DEP – Bureau of Mining Programs (BMP))
Sharon Hill (DEP – BMP)
Gregory Greenfield (DEP – BMP)
Laura Mensch (DEP – BMP)
Gregory Shuler (DEP – BMP)
Christopher Catalano (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP - BMP/Board Liaison)
Alexandra Eberly (DEP – BMP)
Sage Saum (DEP – BMP)
Christopher Stewart (DEP – BMP)
Emily Fisher (DEP – BMP)
Patrick Webb (DEP – (BAMR))
Amy Berrios (DEP – Active and Abandoned Mine Operations (AAMO))
Randy Shustack (DEP – Bureau of District Mining Operations (BDMO))
Maximilian Schultz (DEP – Policy Office)
Richard Marcil (DEP – Legal)
Ian Irvin (DEP – CAC)
Jeffrey Iovic (PA Senate – Policy Office)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. by Rachel Gleason. The Board members and alternates present in the meeting room were identified by roll call to determine a quorum, facilitated by Dr. Daniel E. Snowden.

APPROVAL OF MINUTES

The minutes from the November 9, 2023 meeting was approved unanimously, without objection or comment.

CORRESPONDENCE

There was no correspondence reported.

COMMITTEE REPORTS

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

DELIVERABLES

No deliverables were reported for this meeting.

PRESENTATIONS

Coal Mining Program Updates

Gregory Greenfield and Sharon Hill updated the Board on the customary status reports involving financial summaries, revenues, permitting and technical items, as reflected on the report provided for the Board Meeting.

- Current balances of the various financial assurance mechanisms (Postmining Discharge Operation and Maintenance (O & M) Bonds, Land Reclamation Financial Guarantee (LRFG) Bonds, and Postmining Water Treatment Trust Agreements) were reviewed.
- Revenue from the Reclamation Fee O&M Trust Account and the LRFG Account were reviewed for the last three months.
- Current Expenditures through November 30th, 2023 were approximately \$116,000.00 spent from the Reclamation Fee O&M Trust Account; coal civil penalty & LRFG interest was transferred into the Reclamation Fee O & M Trust Account.
- Revenue from application fees paid into the Clean Water Fund (CWF) and the PA Surface Mining Conservation and Reclamation Act (PA SMCRA) Fund were reviewed.
- Permit Applications were reviewed by Ms. Hill, who noted that applications numbers from 2023 will be provided at the next meeting due to this meeting being scheduled so early.
- e-permitting – a new public upload with payment option, which is all-digital, was noted. A Greenpoint account is not required, and Tele Check or credit cards can be used with this public upload with payment option.
- Forms and Other Processes – reminder to operators that due date for Mine Employment and Production reports submission is January 21st, 2023. Public upload or e-permitting submittal is encouraged.
- New Section Chief in Licensing, Christopher Stewart, contact information provided; section now fully staffed, and insurance information can be submitted via the Bureau email, which is checked regularly.

- Ms. Hill noted that a new Standard Operating Procedure (SOP) for Non-Discharge Alternatives was on BMP's main web page.
- Ms. Hill also reminded all to check the BMP Program Updates page regularly for new or changed information (tile in sidebar from main BMP web page).

Bond Rate Guidelines Update

Mr. Greenfield presented the information for the upcoming bond rates that will go into effect on April 1, 2024:

- Proposed draft rates for 2024.
- Certain rates have gone up; most have remained at the 2023 rates.
- There were only 4 projects available to use as a baseline for determining the 2024 rates; a figure of 17% was used to anticipate rise in costs from 2023 to 2024, so that any jump in costs will not be significant as they had been in the past.
- Correction highlighted on chart discussed, does not change overall numbers, had previously been a miscalculation of \$100.00.

Updates from BAMR

Patrick Webb provided the Board with the customary status report on its completed, active, and future projects.

Funding Status:

- Projects Completed: In 2022, there was an increase of eleven projects, to 162 projects completed, reclaiming 391 acres, at a cost of \$50 million; to date in 2023, there were 90 projects completed, reclaiming 169 acres, at a cost of \$7.5 million. The 2022 calendar year projects will continue to be reported for the next 2 quarters.
- Future completions: There are 34 projects to reclaim 943 acres, at a cost of \$112.3 million, for projects currently in construction. For projects currently in design (these can be part of the low-bid construction contract or Subaward Program), there are 94 of these that will reclaim over 4,000 acres, at a cost of approximately \$365.4 million.
- Emergency Projects: These are not shown on the report, but it is worth noting that in 2023, there were 63 emergency projects completed, at a cost of \$8.2 million, due to some expensive subsidence projects; by comparison, there were 86 emergency projects in 2022, at a cost of \$3.7 million.
- Status of Bipartisan Infrastructure Law (BIL) Monies: The status of the BIL for 2022 and 2023 grants has not changed from the November 2023 Meeting Minutes. But as to the Stream Act, the updated information is that DEP BAMR received directions from the federal Office of Surface Mining (OSM) to submit a Legal Opinion Letter to OSM HQ to prove its use of 30% set-aside funds to address long-term Abandoned Mine Reclamation funding. The 2022 Grant Application has been amended with this Legal Opinion Letter, and the 2023 Application was submitted for consideration with this information. At the end of 2023, the non-emergency contracts numbered 7, at cost of \$11.5 million; within the emergency projects (previously discussed), 13 of these used BIL monies, at a cost of \$7 million.

- Abandoned Mine Lands (AML/AMD Subaward Program): Nothing new to report; still awaiting press release for round 2 of 3, that over \$100M of BIL monies will be used for the Subaward Program. 22 applications currently being reviewed from the last round last year; there will be three more rounds of funding in 2024, round one is Feb 19 to April 5.
- DES-22 Request for Proposals (RFP): There are now 17 executed agreements, worth \$3.2 million.
- Staffing To date, BAMR has filled 41 of 71 vacant positions.

Updates from the District Mining Offices

Randy Shustack gave the updates for the DMOs.

- Greg Aaron has accepted the position of Environmental Program Manager for the Knox District Mining Office and, has volunteered to assist as the Tech Chief at the Moshannon District Mining Office until they fill his former position there; the candidate search is ongoing.
- Jim Edwards from the New Stanton District Mining Office is leaving to accept a position in private industry. The New Stanton District Mining Office is looking for a temporary replacement and, for assistance from other surrounding offices, to help move the applications there.
- Mike Kutney is now the District Mining Manager for the Pottsville District Mining Office. The replacement for his previous position of Tech Chief has been selected and is awaiting approval from Harrisburg.
- There are still vacancies in inspectors and permitting sections and progress is being made toward filling these positions as well.

NEW BUSINESS:

There was no new business to discuss.

ADJOURNMENT/NEXT MEETING

The Board adjourned its meeting at approximately 10:30 a.m. The Board will meet again at 10:00 a.m. on April 25, 2024, in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.