

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
November 9, 2023

VOTING MEMBERS OR ALTERNATES PRESENT:

Jack Chamberlin (Chamberlin Surveying and Consulting – Member)
Cynthia Carrow (Western PA Conservancy (WPC)/CAC – Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Rep. Glendon King (PA House – Member)
James Schmid (Schmid and Company, Inc, Consulting Ecologists/CAC – Member)
Duane Feagley (PA Anthracite Council (PAC) – Member)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Kenneth King (State Industries, Inc. – Alternate)
Jacob Gery (PA Senate – Alternate)

OTHER ATTENDEES

Joseph Sassaman (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Laura Mensch (DEP – Mining Programs)
Gregory Shuler (DEP – Mining Programs)
Christopher Catalano (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Alexandra Eberly (DEP – Mining Programs)
Sage Saum (DEP – Mining Programs)
Rachel Colyer (DEP – Mining Programs)
Patrick Webb (DEP – BAMR)
Michael Kutney (DEP – Bureau of District Mining Operations (BDMO))
Laura Griffin (DEP – Policy Office)
Richard Marcil (DEP – Legal)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m.

The Board members and alternates present in the meeting room identified themselves. Other attendees were visible via Teams and were introduced.

APPROVAL OF MINUTES

The minutes from the September 14, 2023 meeting minutes were approved unanimously, without objection or comment, after audio/connectivity issues were addressed and resolved.

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.

- Post-Mining Discharge Operations and Maintenance (O & M) Bonds
- Trust Agreements – now at 63 fully-funded trusts; this is up from 62 because E-Facts was apparently not pulling one in previous reports that were run. There are 11 partially-funded trusts and 2 trusts having ABS sites associated with them as well. These figures are current as of September 2023.
- Land Reclamation Financial Guarantees (LRFG) – 2 operators currently at the \$3 million maximum; there had only been one previously. The good news here is that the interest seems to be rebounding to previous levels (prior to the last two years) generated again, which will be transferred into the Rec Fee O & M Account at the end of the year (full report follows).
- Clean Water Fund and the PA SMCRA Fund
- Permit Applications were reviewed by Ms. Hill.
- e-permitting – there is a payback program/process for digital OnBase uploads for permit applications
- Forms and Other Processes – for renewal permit processes, there are no issues from the District Mining Offices with the new forms; however, as the new forms are being used, there may be issues that may crop up which will be discovered at a later time.
- Ms. Hill encouraged anyone having interest, questions or concerns to email the Mining License section, and to please check regularly with the BMP Updates Page on the sidebar for new forms or announcements.

Reclamation Fee Operations and Maintenance (O & M) Trust Account Report

Mr. Greenfield presented the draft 2023 Reclamation Fee O & M Trust Account report to the Board, reviewing the information provided in the meeting packet.

- The current balance in the account stands at \$3,517,866.24
- Account revenues from the July 2022-June 2023 period were \$78,159.00
- Interest accrued was \$122,996.49
- Civil penalties collected were \$403,128.43

- Land Reclamation Financial Guarantees (LRFG) account transfers totaled \$608,254.19
- Previous year O & M costs were a total of \$582,427.56
- Projected reclamation fee acres were 500 for 2023
- Projected revenues for the July 2023-June 2024 period consist of a total of \$590,000.00 from fees, interest, civil penalties and transfers from the LRFG account
- Projected expenditures for the July 2023-June 2024 period consist of a total of \$1,263,896.00 in expenses for personnel, laboratory, grants and contracts
- Projections for 2025 include keeping the reclamation fee in place to maintain the account level of \$3,000,000.00
- Alternative Bond System (ABS) Legacy Sites Trust Account current balance stands at \$6,327,528.90.

The finalized report and main reclamation fee of \$100.00/acre will be published in the PA Bulletin prior to January 1.

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 were 151 projects completed, reclaiming 433.7 acres, at a cost of \$51,204,123.00; to date in 2023, there were 24 projects completed, reclaiming 38.6 acres, at a cost of \$1,574,115.00
- Future completions: There are 38 contracts to reclaim 945.5 acres, at a cost of \$112,958,674.00 and future awards (82 contracts to reclaim 1,800.1 acres, at a cost of \$7,431,121.00)
- Status of Bipartisan Infrastructure Law (BIL) Monies: An amount of \$244.9 million received for 2022; an additional \$244.7 million for 2023 has not been received yet, due to the need for PA to justify implementing the Stream Act (setting aside a portion of federal abandoned mine reclamation grant funds to address acid mine drainage (AMD) matters, specifically); amount for emergency contracts (\$5.2 million for 11 such contracts and another \$5 million for 4 additional non-emergency contracts); forthcoming contracts (\$38 million for 16 contracts)
- Abandoned Mine Lands (AML/AMD Subaward Program): Of the 16 awards recommended for 2022, at a cost of \$7.8 million, 12 subawards are development and design and, 4 are construction; additionally, 5 more projects will come into play with a combination of BIL and Abandoned Mine Land Economic Revitalization (AMLER) monies, at a cost of \$50 million. Half of the 28 applications under review for the next round of funding will have \$100 million in BIL monies set aside; three more rounds of this funding are forthcoming in 2024.
- DES-22 Request for Proposals (RFP): The first round of this program has 15 BAMR-related task agreements for \$3 million in 2023; there will be three more rounds of funding in 2024.
- Staffing To date, BAMR has filled 37 of 71 vacant positions.

Updates from the District Mining Offices

Michael Kutney, of the Pottsville District Mining Office (DMO), gave the updates on behalf of Randy Shustack.

Mr. Kutney reported that the selections have been made for the District Mining Manager for the Pottsville Office, as well as the Environmental Program Manager at the Knox Office. Other vacant positions are still being worked on being filled; if any vacancies come up, they are reviewing whether possible reclassification to different positions might better suit the different offices.

ANNUAL REPORT:

The Board approved its annual report for the July 2022-June 2023 period.

NEXT MEETING DATES FOR 2024:

The Board agreed upon the dates of January 18; April 18; July 18; and October 23-24 (field trip). Depending upon conference room availability at the RCSOB, the January, April and July 2024 dates could change.

ADJOURNMENT

The Board adjourned its meeting at approximately 11:02 a.m.