

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
April 24, 2025

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Original Fuels, Inc – Member)
Jack Chamberlin (Chamberlin Surveying & Consulting – Member)
John St. Clair (Rosebud Mining Co./Citizens Advisory Council (CAC) – Member)
Katie Hetherington-Cunfer (Sitelog IQ/CAC – Member)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Glendon King (PA House of Representatives -- Alternate)
Jacob Gery (PA Senate – Alternate)
Duane Feagley (PA Anthracite Council (PAC)-- Alternate)
Kenneth King (State Industries, Inc. – Alternate)

OTHER ATTENDEES

Nathan Houtz (DEP – Active and Abandoned Mine Operations (AAMO))
Joseph Sassaman (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Patrick Webb (DEP – BAMR)
Gregory Greenfield (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Laura Mensch (DEP – Mining Programs)
James Charowsky (DEP – Mining Programs)
Christopher Catalano (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP – Mining Programs/Board Liaison)
Rachel Colyer (DEP – Mining Programs)
Brad Rhodes (DEP – Mining Programs)
Christopher Stewart (DEP – Mining Programs)
Timothy Gilbert (DEP – Mining Programs)
Alexandra Eberly (DEP – Mining Programs)
Emily Fisher (DEP – Mining Programs)
Marissa Kovach (DEP – Mining Programs)
Amy Berrios (DEP – AAMO)
Jennifer McLuckie (DEP – AAMO)
Randy Shustack (DEP – Bureau of District Mining Operations (BDMO))
Richard Marcil (DEP – Regulatory Council)
High Garst (DEP – Policy Office)
Laura Campbell (DEP – Policy Office)
Jack Palumbo (DEP – Policy Office)
Jeffery Painter (PA Game Commission (PGC) – Guest)
Paul Lupo (PGC – Guest)
Jeffery Icivic (PA Senate – Guest)
Trent Machamer (PA Senate – Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:07 a.m. by Chair David Osikowicz. The member and alternate attendees present for this hybrid meeting, both in-person and virtually, were accounted for by roll call, and Daniel E. Snowden determined that there was a quorum established.

APPROVAL OF MINUTES

The minutes from the January 23, 2025 meeting were approved by the Board unanimously, without objection or comment.

CORRESPONDENCE

Dr. Snowden reported that there were a few items of correspondence.

First, the Citizens Advisory Council recently appointed Katie Hetherington-Cunfer to the MRAB, and she was present at this meeting.

Next, the Board's Reclamation Committee will meet to discuss the Bond Rate Guidelines for 2026 on January 13, 2026, in conference room 105 here in the Rachel Carson Building, at 10:00 a.m.

The last item is that there is now an Advisory Board Resource Account to handle routine communications and Advisory Board business matters going forward.

PUBLIC COMMENT

There were no requests to make any public comment.

COMMITTEE REPORTS

It was reported that there were no committee reports for this meeting.

DELIVERABLES

Gregory Greenfield reported that he had several items for deliverables, some of which will be covered now, others later in the meeting.

At the January 23, 2025 Board meeting, there was a question raised about what needs to happen to allow the percentages of allowable Land Reclamation Financial Guarantees (LRFGs) to go over the 50 percent permit limit if the bond rate increases on a permit are solely because of the increases from the bond rate guidelines changing. The changes in the bond rate guidelines are to ensure that the Department has enough money available to do the reclamation, if necessary, so when the bond changes on a permit it is reflective of the cost of reclamation changing. Therefore, it doesn't matter if the bond rates only change because of increased rates or if additional area was

affected, it is still what is the cost for the Department to do the reclamation. To answer the original question, there would need to be a change in the statute and regulations for the Department to be able to surpass the 50 percent permit limit, as well as a program amendment approved by the Office of Surface Mining Reclamation and Enforcement (OSMRE).

Next, a request was made at a previous meeting for BAMR to provide an acronym list, which will be covered during their updates today.

During the January 14, 2025, Regulation, Legislation and Technical (RLT) Committee meeting, a request was made to provide information about coal bonds forfeited and collected over the past ten years. Of the bonds which were posted, the Department forfeited and collected \$12 million. The current cost to reclaim these same sites is \$17.9 million, which represents about a \$5.8 million difference over the ten years for 69 permits and 58 operators. Fifty-five of those were surface mine permits, ten were refuse reprocessing permits, and four were underground permits. The underfunded bond amount was about 60% for those permits which were forfeited, but these numbers do not include recent forfeiture that the Department has been dealing with; where the Department will be getting 43 permits. There will be fundamental changes coming to the program over the next several months to address the issues from this situation to help ensure the citizens of the Commonwealth are not left responsible for water treatment and land reclamation obligations.

Next, there had been a request at the January 23, 2025, Board meeting for a Reclamation Committee meeting to be scheduled to discuss new methods for developing bond rate guidelines, but that request was later rescinded.

Last, the status update on developments for bond rate guidelines will be covered by Laura Mensch later in this meeting.

PRESENTATIONS

Coal Mining Program Updates

Laura Mensch and Sharon Hill provided the Board with the customary status reports involving financial summaries, revenues, permitting and technical items:

- Post-Mining Discharge Operation and Maintenance (O&M) Bonds: Ms. Mensch noted that since the last meeting in January, the total amount of O&M bonds decreased, largely due to Consol continuing to pull funding from bonds as they transfer money into their global trust.
- Trust agreements: a small increase can be seen from the January 2025 meeting in the total funds in both fully and partially funded trusts.
- Land Reclamation Financial Guarantees (LRFG): again, there were very minimal changes here from the last quarter. It is the same operators who are above the \$3 million limit, Atlantic, Blashack, and Reading Anthracite.
- Reclamation Fee Operation and Maintenance (O&M) Account: Ms. Mensch noted these numbers were totals from fees collected in the last three months; in addition, the year-to-date amount is shown, as of March 31, 2025.

- Clean Water Fund (CWF) and the PA Surface Mining Conservation and Reclamation Act (PA SMCRA) Fund revenues were also reviewed.
- Bond Rate Guidelines: Ms. Mensch shared a brief progress update on development of the 2026 bond rate guidelines. So far, there have been five BAMR projects from January through March of 2025 that are applicable to use as reference. These projects all occurred in the Bituminous coal region. She noted this is preliminary, so there is no draft to share at this time, but there will likely be more by July or October.
- Permit application numbers were reviewed by Ms. Hill, who shared the in/out and in-process tables. She noted that the updated information for the first quarter of 2025 was represented on the table. Ms. Hill also mentioned that the bottom row in the table tracks the backlog of applications. Applications in-process as of March 24, 2025 are also shown in the following section, with each office showing which types of applications currently in process, numbers of each and the totals.
- The Board asked for information on Regulatory and Non-Regulatory Agendas. Ms. Hill indicated there were no pending regulations, and for non-regulatory agenda, only water supply replacement consisting of three different TGDs were listed. The draft form of those may be ready for the Board to review by fall.
- The last item Ms. Hill wanted to announce was the retirement of Greg Shuler, BMP Tech Chief. There is an open vacancy in BMP for Permits and Technical Chief.

Updates from BAMR

Before the BAMR report was presented, Patrick Webb noted that the report shows a transition of more Bipartisan Infrastructure Law (BIL)-funded projects showing up on the report, for larger cost projects. Additionally, a lot of Title IV funding is being shown, for small in-house construction projects, mainly emergency projects by our Commonwealth employee staff with our equipment and our laborers. In the report, “AD” is for Anthracite District and “BD” is for Bituminous District. The sub-award program projects show GA associated with the project number or name to indicate that program kicked off about two years ago, and more of these projects will be showing up in the report as well.

The BAMR status report was then presented by Assistant Director Joe Sassaman, noting its completed, active, and future projects.

Funding Status:

- Projects Completed: In 2023, there were 137 projects completed, reclaiming 366 acres, at a cost of just over \$33 million. For 2024, there have been 131 projects completed, reclaiming 88 acres, at a cost of just over \$9.5 million. So far in 2025, we have 5 projects completed at just over one acre and slightly over \$9000, most of which were the smaller in-house projects.
- Projects Currently in Construction: There are 34 projects to reclaim 890 acres, at a cost of approximately \$97.4 million.
- Projects Currently in Design: There are 149 projects to reclaim over 3,700 acres, at an estimated cost exceeding \$514 million.
- Status of Bipartisan Infrastructure Law (BIL) Monies: In 2022 through 2024, BAMR has received three BIL grants at approximately \$245 million each. BAMR

applied the Stream Act funds, at \$73.4 million of each of those grants, for mine fires, subsidence and abandoned mine drainage (AMD) treatment.

- Emergency projects: There are currently 4 non-emergency construction contracts being advertised at approximately \$11.5 million. There are two emergency construction contracts being advertised totaling \$455,000. In 2025, there have been 32 projects so far, at an estimated cost exceeding \$2 million.
- Abandoned Mine Lands (AML)/AMD Subaward Program: For the combined funding sources for AML/AMD grant program, also known as our Subaward program: so far, there are 71 grant awards totaling over \$231 million. In 2022, there were 21 Subawards at over \$43 million. For 2023, round one resulted in six Subawards at an estimated cost exceeding \$38 million; round two had 16 Subawards exceeding \$113 million; and round three saw eight Subawards exceeding \$4 million. In 2024 there were again three rounds; round one had six Subawards, exceeding \$4 million; round two had nine Subawards, exceeding \$23 million; and round three had five Subawards exceeding \$1.5 million. There were changes made to the program in 2025: there will only be two rounds. The first-round closes tomorrow, April 25, and; round two will open September 2 to October 25.
- DES-22 Request for Proposals (RFPs): There are now 43 task agreements, totaling just over \$10 million.
- Staffing: To date, BAMR has filled 62 of 71 vacant positions; the Bureau has 27 vacancies.

Updates from the Bureau District Mining Offices (BDMO)

Randy Shustack reported on the bankruptcy of Corsa Coal. He indicated the BDMO is navigating a very complex maze of bankruptcy procedures which are ongoing, not only with Corsa, but also Heritage Coal and Natural Resources. This affects almost 40 sites with Corsa, and an additional 17 with Heritage. Every day, planning from a logistical and financial aspect is happening to be prepared to take over the sites. Additionally, Waroquier Coal Company brings another 19 sites, so in total, there will be almost 70 sites that will be acquired.

Mr. Shustack reported that work to fill other positions throughout the BDMO continues, as they are not fully staffed yet, and resources are being pulled together as a whole rather than individually.

The last item Mr. Shustack wanted to note was that Sam Faith, the District Mine Manager at the California DMO and Dave Thomas, the District Mine Manager at the Cambria DMO, will both be retiring at the end of June. They are working to begin the interview process in the hopes that they can have candidates to fill both vacancies for a seamless transition on their last days.

NEW BUSINESS

The Board Chair asked Nate Houtz to share the information about the staff cutbacks at the Office of Surface Mining, most of which are due to early retirements or buyouts. There was some discussion about the impacts of this development, including to training, and the ratio of inspectors, rate of inspections.

Mr. Greenfield noted that most of the staff affected were more management-level, not technical staff, but that it still influences how guidance from OSM can be provided when needed. It was also noted that the Department of the Interior will need to take on more as OSM shrinks.

ADJOURNMENT

The Board adjourned its meeting at approximately 10:40 a.m.

NEXT MEETING

The Board will meet again at 10:00 a.m. on Thursday, July 24, 2025, in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.