

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
January 17, 2019

VOTING MEMBERS OR ALTERNATES PRESENT:

Rachael Gleason (Alternate)
John St. Clair (CAC – Member)
James Schmid (CAC – Member)
Jack Chamberlin (Member)
Benjamin Wren (Alternate)
Darrel K. Lewis (Alternate)
Leda Lacomba (Alternate)
Timothy Collins (Alternate)
Tara Hazelwood (Alternate)
Keith Salador (CAC - Alternate)
Robert Burns (Member)

OTHER ATTENDEES

Richard Fox (PA House)
Joe Iole (DEP – Legal)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Amy Berrios (DEP – Active and Abandoned Mine Operations (AAMO))
Bill Allen (DEP – Director, Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Gregory Greenfield (DEP – BMP)
Eric Oliver (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP BMP/Board Liaison)
Gregory McBee (Presenter)
Glendon King (Guest)
Dale Linweaver (Guest)
Zach Saritzinger (Guest)
Michael Podskoch (Guest)
Michael Bodner (Guest)
Josie Gaskey (Guest)
Richard Fox (Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

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

APPROVAL OF MINUTES

The minutes from the last meeting were approved without changes.

CORRESPONDENCE

There was no correspondence since the last meeting.

COMMITTEE REPORTS

The Board' Regulation, Legislation and Technical (RLT) Committee met immediately prior to the full Board meeting. The Committee continued its discussion regarding the Reclamation Fee Report. The Committee also discussed the Growing Greener initiative, as well as the importance of including legislative interaction with both the industry and the Board.

PRESENTATIONS

Coal Mining Program Updates

Mr. Allen provided updates to the Board regarding the coal mining program:

- Non-Regulatory Agenda: Several documents are nearing the end of the revision process and will be published once approved. Mr. Allen noted that the federal government shutdown has impacted several of the documents which involved the United States Environmental Protection Agency (US EPA) and the federal Office of Surface Mining (OSM).
- National Pollutant Discharge Elimination System (NPDES) Permitting: The federal government shutdown also impacted BMP interaction with the EPA regarding NPDES permitting. In general, the US EPA is commenting on an increasingly fewer number of documents.
- Historical Application Progress and the Permit Decision Guarantee (PDG): Mr. Allen provided updates on the following:
 - Number of coal-related permit applications disposed, along with those remaining for action and their specific District Mining Office (DMO) locations.
 - Nearly all of the remaining historical applications have been processed, with less than 1% of the total remaining for action. Of the ten remaining applications, four are for renewals.
- Initiatives: Mr. Allen discussed DEP's continuing drive to promote ePermitting for the BMP. The BMP continues to develop the program, with intent to convert the new Bituminous Surface Mine and Coal Notice of Intent to Explore forms into electronic applications.
- Trust Agreements/Bond Status: Mr. Allen provided details on a variety of items regarding this topic:
 - Number and value of total agreements (between December 2015 and December 2018) (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially and fully funded trusts has remained constant from the last meeting.

- Land Reclamation Financial Guarantees (LRFG): Mr. Allen provided details on the increase of LRFG permits and amount underwritten, noting that the total underwritten amount, as of the morning of the meeting, was \$45.9 million, with the slight decrease from the last meeting due to recent releases. DEP is continuing the process of hiring an actuary, with the goal of assessing the feasibility of increasing the funding limit of the LRFG program.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information as of 2018 for the Reclamation Fee Account, including Coal Civil Penalties, LRFG Premiums, and the \$500,000.00 Civil Penalty transfer of October 2017.
- ABS Project Funding Strategy: Mr. Allen provided the Board with the Restricted and Released Bond Account Balances. He noted that, due to staff changes within the BMP, he was unable to obtain more recent figures from Fiscal Management.
- Regulatory Agenda: Mr. Allen mentioned developments with the following items:
 - OSM Program Consistency was included in the October 2018 PA Bulletin. It received three public comments, which will be considered by DEP.
 - Water Supply Replacement, Chapters 87 and 88, may be ready for submission in the Environmental Quality Board (EQB) meeting scheduled for May. The Board will be updated as changes continue.
- Application Fee Revenues: Mr. Allen provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to 2018 (as of December 2018).

Bond Rate Guidelines

Mr. Carl presented the reclamation bond rate guidelines, in terms of the 2018 calendar year costs for grading, revegetation, seed bed preparation and seed.

- Grading (2018):
 - Six reclamation projects covering 2,431,698 total cubic yards for grading, with costs ranging between \$0.73/cubic yard and \$3.25/cubic yard.
 - The low-bid average grading costs ranged between \$0.78/cubic yard and \$1.6/cubic yard, with a weighted average cost of \$1.19/cubic yard.
 - The overall weighted average grading cost between 2015 and 2017 was \$1.07/cubic yard (for projects at 500 feet or less).
- Revegetation (2018):
 - Three reclamation projects, with 45.7 acres revegetated.

- Cost per acre ranged from \$1,416.20 to \$2,383.89.
- The weighted average of the three lowest bids was \$2,004.86.
- Mulch, Seed Bed Preparation and Seed (2018):
 - Mulch Costs: \$878.62/acre.
 - Seed Bed Preparation Costs: \$195.75/acre.
 - Seed Costs: \$417.02/acre.

Updates from BAMR

Mr. Bradley updated the Board on the current projects by BAMR, as well as the Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed and, the future projects the Bureau is advancing through the design phase. He noted that the number of emergency projects during 2018 was particularly high. A complete list of the projects was provided in the Board's meeting materials.

Open Time

Banning #4 Mine Site Presentation

Mr. Gregory McBee gave a presentation to the Board which highlighted the site as a prime location for redevelopment as a hydroelectric and solar power storage site.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:30 a.m. The Board will meet again 10:00 A.M., April 25, 2019, in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market St, Harrisburg PA 17101.