

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB/BOARD)
January 20, 2022

VOTING MEMBERS OR ALTERNATES PRESENT:

Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
James Schmid (CAC – Member)
Thaddeus Stevens (CAC – Member)
Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) – Member)
Patrick Stefano (PA Senate – Member)
Kenneth King (State Industries, Inc. – Alternate)
Nicholas Troutman (PA Senate – Alternate)
Will Dando (Allegheny Strategy Partners – Alternate)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Glendon King (PA House - Alternate)
Emily Eyster (PA Senate – Alternate)
Lori Dayton (Specialty Granules, LLC/CAC - Alternate)

OTHER ATTENDEES

John Stefanko (DEP – Active and Abandoned Mine Operations (AAMO))
Amy Berrios (DEP – AAMO)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Bill Allen (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Seth Pelepko (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Kevin Bogdan (DEP – Mining Programs)
Michaela Plazek (DEP – Mining Programs)
Melanie Barber (DEP – Mining Programs)
Jennifer Gulden (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Michael “Josh” Lookenbill (DEP – Bureau of Clean Water (BCW))
Manyi Liu (DEP – BCW)
Kristen Schlauderaff (DEP – BCW)
Thomas Barron (DEP – BCW)
Brian Chalfant (DEP – Policy)
Abbey Cadden (DEP – Policy)
Michelle Moses (DEP – Regulatory Counsel)
Christopher Minott (DEP – Regulatory Counsel)
Jeffery Painter (PA Game Commission) (Guest)
Daniel Ryan (PA Fish and Boat Commission) (Guest)
Josie Gaskey (PA Aggregate and Concrete Association (PACA))(Guest))
Patrick Gleason (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. The motion was put forward by Ms. Gleason and seconded by Mr. Chamberlin.

CORRESPONDENCE

Ms. Emily Eyster announced an upcoming Senate vote which would affect the Board. HR 668 would add a member from the coal refuse industry to the MRAB.

Additionally, Darrel Lewis has retired, with Kenneth King taking his former position as Alternate.

COMMITTEE REPORTS

There were no Committee meetings since the Board last met.

DELIVERABLES

All items requested in the last meeting were provided within this meeting's materials.

PRESENTATIONS

Coal Mining Program Updates

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

- E-Initiatives: As of the day of the meeting, there were 152 Notice of Intent to Explore e-Permits submitted. Approximately 742 individual NPDES permits have been registered as electronic Discharge Monitoring Reports (e-DMRs). More tools for inspectors are expected to roll out.
- Trust Agreements/Bond Status: The Board was provided details on a variety of items regarding this topic:
 - Number and value of total agreements (between December 2015 and December 2021), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially funded trusts and total bonds have decreased since the last meeting, but fully funded trusts increased.

- Land Reclamation Financial Guarantees (LRFG): Mr. Greenfield provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of December 2021 was \$47.3 million.
- Applications: Ms. Sharon Hill provided the Board with a detailed breakdown of application data, including the number of applications by each District Mining Office (DMO) and revision and application type. All figures are available through the meeting materials on the website. This information reflects the entirety of 2021.
- Regulatory Agenda: The final rulemaking for Coal Refuse Disposal was presented to the Board, which agreed with the Department's recommendation to present the final-form rule to the Environmental Quality Board (EQB).
- Non-Regulatory Agenda: The Liners and Caps Technical Guidance Document (TGD) received minor clarifications based on public comments and is being prepared as final. A Regulation, Legislation and Technical (RLT) Committee meeting was set up to review the final version. A joint meeting of the MRAB and Aggregate Advisory Board's RLT Committees was recommended to review the Engineering Manual. The Water Supply Replacement TGDs are being updated.
- Technical Items: The Non-mining related activities Standard Operating Procedure (SOP) is still in the development stage. A sediment pond SOP was created by the DEP and is on the website.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information for the Reclamation Fee Account, including Coal Civil Penalties, LRFG Premiums for fiscal year 20-21.
- Application Fee Revenues: Mr. Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to December 2021.
- Big Run Unsuitable for Mining (UFM): The Big Run UFM study has been completed and is currently under review.

Bond Rate Guidelines

Mr. Greenfield provided the Board with the preliminary Coal Bond Rates for 2022, in terms of grading costs. Using the lowest bid data, the grading costs on the currently received projects ranged from \$0.90 for grading up to 500 feet, and \$1.80 for grading over 500 feet. Select grading, grading and haul costs from 1000 feet to 1 mile remain unchanged. Revegetation costs increased to \$2,500.

Manganese Water Quality Standards

Kristen Schlauderaff, Bureau of Clean Water, presented DEP's final-form rulemaking: Water Quality Standard for Manganese and Implementation. The rulemaking includes a recommendation to add a Human Health toxics criterion of 0.3 mg/L, which prompted discussion between the Board and DEP. The Board voted on a motion to disagree with the DEP's recommendation to advance the

rulemaking to the EQB for consideration and encouraged DEP work with industry members to develop an alternative solution. The motion passed with 8 yeas, 1 abstention, and 1 nay.

Updates from BAMR

Mr. Bradley updated the Board on the most recent 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. A complete list of the projects was provided in the Board's meeting materials. For 2020, there were 161 projects covering 521 acres with a cost of \$34.1 million. Currently for 2021, there are 54 completed projects with a \$16.1 million dollar cost. There are 60 active projects with a cost of \$122 million, and 71 future projects with an expected cost in excess of \$97 million.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. Several vacancies within the DMOs have been filled.

February Deliverables

There were no deliverables requested from the BMP for the next meeting.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 12:35 p.m. The Board will meet again on April 7, 2022 at 10:00 a.m. at the Rachel Carson State Office Building, Delaware Conference Room, 16th Floor, 400 Market St, Harrisburg, PA 17101. The meeting will also be available through Microsoft Teams.