

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
January 11, 2018

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Chairperson - Member)
John St. Clair (CAC – Member)
Duane Feagley (PA Anthracite Council) (Alternate)
Tara Hazelwood(Alternate)
Dan Coleman (Alternate)
Rachael Gleason (Alternate)
Benjamin Wren (Alternate)
Leda Lipton (Alternate)
LeeAnn Murray (Alternate)
Darrel K. Lewis (Alternate)
Jack Chamberlin (Member)

OTHER ATTENDEES

Richard Fox (PA House)
Josie Gaskey (PA Aggregates and Concrete Association (PACA))
John Stefanko (DEP – Active and Abandoned Mine Operations)
Laura Edinger (DEP – Policy)
Abbey Cadden (DEP – Policy)
Joe Iole (DEP – Legal)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Bill Allen (DEP – Mining Programs)
Thomas Callaghan (DEP – Director, Mining Programs)
Geoff Lincoln (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Chris Whiteash (DEP – Mining Programs)
Jennifer Gulden (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)

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

No correspondence was received by the Board since its last meeting.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee convened immediately prior to the Quarterly meeting on January 11, 2018. The Committee discussed both the proposed water replacement regulations and the timbering issue. The committee intends to compose comments to the timbering issue, and DEP will research both topics further.

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.
- National Pollutant Discharge Elimination System (NPDES) Permitting: The U. S. Environmental Protection Agency (EPA) has commented on fewer permits. The EPA and the Bureau of Mining Programs (BMP) continue to communicate with updates concerning Sufficiently Sensitive Methods, Whole Effluent Toxicity Testing (WETT) and other pending issues.
- 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.
 - The majority of permits remaining for action belong to the California DMO. As such, this specific DMO has been working with the EPA to process pending permit applications in a timely manner.
- 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 November 2017), total (i.e., bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of total agreements 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 decreased. The Board recommended availing themselves of an actuary to assess the feasibility of increasing the limit of the LRFG program. The DEP would approach Commonwealth agencies before considering outside contractors.

Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information as of 2017 for the Reclamation Fee Account, including Coal Civil Penalties, LRFG Premiums, and the substantial Civil Penalty transfer from October 2017. Mr. Allen discussed several options for the civil penalty. The Board maintains their recommendation that that the large civil penalty discussed in previous meetings be deposited towards future expenditures instead of the legacy account.

- Regulatory Agenda: Mr. Allen mentioned developments with the following items:
 - Federal Office of Surface Mining (OSM) Program Consistency, tentatively to be brought to the March Environmental Quality Board (EQB) meeting.
 - Water Supply Replacement Regulations (25 PA Code, Chapters 87 and 88) will undergo further committee review before continuing as an official rulemaking package.
 - Blasting and Explosives Regulations (25 PA Code, Chapters 210 and 211) have been routed for approval for an upcoming EQB meeting.
- 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 2017).

Bond Rate Guidelines

Mr. Carl presented the reclamation bond rate guidelines, in terms of the 2017 calendar year costs for grading, revegetation, seed bed preparation and seed.

- Grading (2017):
 - Seven reclamation projects covering 1,262,656 total cubic yards for grading, with costs ranging between \$0.65/cubic yard and \$1.40/cubic yard.
 - The low-bid average grading costs ranged between \$0.82/cubic yard and \$0.94/cubic yard, with a weighted average cost of \$0.88/cubic yard.
 - The overall weighted average grading cost between 2015 and 2017 was \$0.96/cubic yard (projects at 500 feet or less).
- Mulch, Seed Bed Preparation and Seed (2017):
 - Mulch Costs: \$859.74/acre.
 - Seed Bed Preparation Costs: \$222/acre.
 - Seed Costs: \$393.83/acre.

Updates from BAMR

Mr. Bradley updated the Board on the projects completed by BAMR, as of November 2017, 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.

NEW BUSINESS

The Board will consider sites in the vicinity of the New Stanton DMO for its summer meeting and field trip, scheduled July 18-19, 2018.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 12 p.m. The Board will meet again on April 19, 2018 in Conference Room 105 of the Rachael Carson State Office Building, 400 Market St, Harrisburg, PA 17105.