

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
July 18, 2019

VOTING MEMBERS OR ALTERNATES PRESENT:

Robert Burns (Member)
Jack Chamberlin (Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Timothy Collins (PA Senate - Alternate)
Rachael Gleason (Alternate)
Leda Lacomba (PA House - Alternate)
Darrel K. Lewis (Alternate)
James Schmid (CAC – Member)
Benjamin Wren (PA Senate - Alternate)
Duane Feagley (Alternate)

OTHER ATTENDEES

Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Gregory Greenfield (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP - BMP/Board Liaison)
Rod White (Lehigh Engineering)
Mike Bodner (AIB Environmental)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 9:00 a.m. Board members and DEP personnel introduced themselves.

APPROVAL OF MINUTES

The minutes from the last meeting were approved.

CORRESPONDENCE

There was no correspondence since the last meeting.

COMMITTEE REPORTS

There was no committee business to report.

PRESENTATIONS

Coal Mining Program Updates

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

- National Pollutant Discharge Elimination System (NPDES) Permitting: Mr. Carl presented the Board with the status of many of the NPDES permitting issues. The United States Environmental Protection Agency (US EPA) is no longer requiring submission of the Checklist with the NPDES permit application review. The federal Office of Surface Mining (OSM) is in the process of contracting with a laboratory for Whole Effluent Toxicity Testing (WETT) sampling analysis, with sampling anticipated to begin in August or September. Additionally, the Non-Discharge Alternatives document continues to be reviewed, and the discharge flowchart in the NPDES permit has been revised.

Mr. Carl also provided the number of draft permits (as of March 2019) which were sent to the US EPA, and the number of those permits which had comments. In general, the US EPA continues to comment or object to fewer permits.

- E-Initiatives: There were 36 Notice of Intent to Explore (NOI) ePermits submitted from December 2018 to July 2019, along with Bituminous Surface Mine Application. There has been an increase in the number of permittees registered for the Electronic Discharge Monitoring Reporting (eDMR) system. Additional training for the eDMR system is in progress, with training set for the week of August 5, 2019. The BMP continues to refine the mobile inspection process and to train inspectors on use of the application.
- 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 May 2019 (i.e., bonds, fully-funded trusts and partially-funded trusts, including Alternative Bond System (ABS) sites).
 - The amount of partially and fully funded trusts have remained steady since last presented to the Board.
- Applications: Ms. Hill provided the Board with a breakdown of application types and work flow through the District Mining Offices (DMOs). The Board was interested in the large number of renewal applications and asked for additional detail to characterize these types of applications and how long they take to be issued. This prompted additional discussion on the renewal process and how it could be made to be more efficient. The BMP agreed to discuss renewals with the DMOs and provide additional data for next meeting.

- Land Reclamation Financial Guarantees (LRFG): Ms. Hill provided details on the increase of LRFG permits and amounts underwritten, noting that the total underwritten amount, as of the morning of the meeting, was \$47.6 million.
- Regulatory Agenda: Mr. Greenfield mentioned developments with the following items:
 - OSM Program Consistency is scheduled to be presented for review at the September Environmental Quality Board (EQB) meeting as a final rulemaking. The final version of this regulatory package will be published in the *Pennsylvania Bulletin* towards the end of 2019, or potentially, the beginning of 2020.
 - Water Supply Replacement, Chapters 87 and 88, was presented at the June EQB meeting and is set to be published as a proposed rulemaking.
- Non-Regulatory Agenda: Several documents are in the draft stage, including Subchapters F and G, Liners (Caps), and Surface Water Protection – Underground Bituminous Coal Mining Operations. Biosolids was published in the *Pennsylvania Bulletin* as final, Alkaline Addition has been published as draft in preparation for the comment/response document, and the Civil Penalties document has received comments which may necessitate a meeting of the Board’s Regulation, Legislation and Technical (RLT) Committee.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information as of 2nd Quarter 2019 for the Reclamation Fee O & M Account, including Coal Civil Penalties, LRFG Premiums, and the current expenditures as of June 30.
- Application Fee Revenues: Mr. Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) Fund and Clean Water Fund (CWF) for the fiscal years between 2012 to 2019 (as of June 2019).

Bond Rate Guidelines

Mr. Carl provided the Board with current numbers for grading and revegetation costs on 2020 bond rate guidelines. He discussed grading rates using low bid values vs. the three lowest bid values, also using several bids based on number of project bids. Several attendees and members requested copies of the spreadsheet calculations to review, which the BMP will provide.

Mr. Carl also discussed adding an additional grading rate category for haulage of spoil beyond 1,000 feet up to an arbitrary distance of around 1 mile. Data on reclamation projects involving haulage of spoil over 1,000 feet has been evaluated. The Chairman of the Reclamation Committee requested to hold a meeting to further discuss the elements of the Bond Rate Guidelines. The meeting will likely take place in September.

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

OPEN TIME

2019 MRAB Field Trip

The Board reported that the MRAB Field Trip was a success; positive reactions were received from the members and attendees.

MRAB Annual Report

The MRAB Annual Report for 2018-2019 is currently in process. The Board will continue to be informed of any status updates.

AML Program Reauthorization Presentation

The Board was presented with information about the AML Program Reauthorization. The AML Program provides the BAMR with the financial assistance needed to fix high priority issues in abandoned mine lands. These issues range in scope and severity, with affected areas in over 40 Pennsylvania counties, and impacting over 5,500 miles of streams. BAMR has addressed an average of 77 AML emergencies with an average construction cost of \$3.91 million per year since assuming the program from the Office of Surface Mining, Reclamation and Enforcement (OSMRE). Over the last five years, the number has risen to 86 AML emergencies per year, with an average construction cost of \$4.85 million per year. The amount of funding that the AML Program has received has decreased significantly, and the potential loss of the program presents significant economic, environmental, and public safety risks to the citizens of Pennsylvania.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:00 a.m. The Board will meet again 10:00 a.m., October 24, 2019 in Conference Room 105 of the Rachel Carson State Office Building, 400 Market St, Harrisburg PA 17105.