

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
April 22, 2021

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Skype)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (CAC - Member)
James Schmid (CAC – Member)
Thaddeus Stevens (Sylvan Glen, inc. – Member)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Mark Fetzko (PA Senate – Alternate)
Darrel K. Lewis (Allegheny Minerals Corporation – Alternate)
Glendon King (PA House - Alternate)
Tara Hazelwood (PA House – Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

John Stefanko (DEP – Office of 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)
Eric Oliver (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Ross McMann (DEP – Mining Programs)
Michael Plazek (DEP – Mining Programs)
Keith Previc (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation)
Abbey Cadden (DEP – Policy)
Christopher Minott (DEP – Regulatory Counsel)
Jeffrey Painter (PA Game Commission)
William Jordan (PA House)
Josie Gaskey (PA Aggregates and Concrete Association (PACA) (Guest))
Michael Bodnar (Michael Bodnar Environmental) (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 had minor revisions which will be added in. Provided the changes, the minutes were accepted.

CORRESPONDENCE

The Board received no correspondence since the last Quarterly Meeting.

COMMITTEE REPORTS

There have been no Committee meetings since the last Quarterly Meeting.

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 provided the number of draft permits (as of March 1, 2021) which were sent to the United States Environmental Protection Agency (US EPA), and the number of those permits which had comments. Comments and objections from the US EPA seem to be decreasing over time. The DEP continues its monthly calls with the US EPA.
- eInitiatives: As of the day of the meeting, there were 98 Notice of Intent to Explore ePermits submitted. The development sandbox for in-house permit creation is continuing. 141 Annual Production Reports were submitted through Greenport. The DEP will encourage more users to register and submit electronically prior to the next deadline.
- 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 January 2021), total (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 both stayed the same since last presented to the Board.
- Land Reclamation Financial Guarantees (LRFG): Mr. Carl provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of March 2021 was \$48.3 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 totals for 2021, up to March 30.

- Regulatory Agenda: Ms. Hill informed the Board that Water Supply Replacement was approved by Independent Regulatory Review Commission (IRRC) during its most recent meeting and is pending publication in the *PA Bulletin*. The Coal Refuse Disposal is also being prepared for presentation to the Environmental Quality Board (EQB) at its May meeting, followed by publication.
- Non-Regulatory Agenda: The Engineering Manual received around 140 public comments. BMP is working on sorting these comments, and then sending them for review to the DMOs. Additional information may be added to the Manual. This process may take several months. The Liners and Caps TGD is still being redrafted, but a minor name change for the TGD is going to appear in the *PA Bulletin* before any significant content revisions are added in. The Surface Water Protection for Underground Bituminous TGD is going to be provided to the CAC workgroup for review shortly. The Civil Penalties TGD has been published.
- Technical Items: GP-104 has been published and reissued. As part of the transition process, all pre-existing coverage holders had to accept the new permit date. A mailing requesting response from operators was sent out with an error that affected some addresses. Because of this, a second mailing was sent out, and the response deadline was adjusted by an additional two weeks. SOPs for Non-Mining Related Activities, Renewals, and Noise are also in the early development stages. Once something concrete is available, these will be provided for the Board.
- 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, through March 31.
- 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 2021.

Bond Rate Guidelines

Mr. Carl discussed the Coal Bond Rates for 2021, in terms of grading costs. These rates went into effect in April. The most significant changes were an increase to \$1.40 for grading over 500 ft. Revegetation costs increased from previous years, which in turn affected State 3 Maintenance bonds. Cropland increased to \$890. These rates were determined using the low-bid amount. No data has yet been received to calculate the rates for 2022, but data should be available for the July Quarterly meeting.

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 156 completed projects covering 343 acres with a project cost of \$28.2 million. Currently for 2021, there are 62 projects

under an active contract with a cost of \$131 million. There are 78 projects with a future cost in excess of \$100 million. In 2020, there were 63 emergency projects with cost over \$2.5 million. As of the date of the meeting, BAMR has already addressed 12 emergency projects with cost of over \$120,000. Legislation relating to program funding has either been introduced or planned on both the State and Federal level. Further information will be provided as matters continue to develop.

Draft Remining Technical Guidance Document (TGD)

Ms. Hill presented an updated draft of this document, incorporating comments received from its presentation in the November Quarterly meeting. This version is currently ready for publication for public comment. After some discussion, the Board withheld approval, requesting further information on the Water Quality Limits. This was added to the Deliverables for fulfillment.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. Remote operations continue at nearly pre-lockdown levels. Several vacancies within the DMOs have been filled.

OPEN TIME

Annual Field Trip Scheduling

Due to the uncertainty associated with the active pandemic, the annual MRAB field trip has been rescheduled for the autumn Quarterly meeting, October 20-21.

DELIVERABLES

The requested items for the next meeting were: Updates to the 2022 Preliminary Bond Rate Guidelines, clarifications to the Water Quality Limits in the Remining TGD, Manganese Water Quality Results from the Clean Water Program, Rec Fee Revenue Information for 2020, Details on the autumn field trip from the Moshannon DMO, and more specific information on the meeting recordings.

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:30 a.m. The Board will meet again at 10 A.M., July 15, 2021 via Microsoft Teams.