

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
January 12, 2023

VOTING MEMBERS OR ALTERNATES PRESENT:

Jack Chamberlin (Chamberlin Surveying and Consulting – Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (Western PA Conservancy (WPC)/CAC – Member)
James Schmid (CAC – Member)
Duane Feagley (PA Anthracite Council (PAC) – Member)
Robert Burns (Burns Coal Company, Inc. – Member)
Kenneth King (State Industries, Inc. – Alternate)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Glendon King (PA House – Alternate)
David Osikowicz (Original Fuels, Inc) – Member

OTHER ATTENDEES

Amy Berrios (DEP – AAMO)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Joseph Sassaman (DEP – BAMR)
Nathan Houtz (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Seth Pelepko (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Geoffrey Lincoln (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Melanie Barber (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Patrick Webb (DEP – BAMR)
Richard Marcil (DEP – Legal)
Louie Krak (DEP – Policy)
Laura Griffin (DEP – Policy)
Josie Gaskey (PA Aggregates and Concrete Association (PACA))
Kailee Glock (PA House of Representatives)
Evan Franzese (PA House of Representatives)
Bryanna Dixon (PA Senate)
Jeffrey Ivicic (PA Senate)

MEETING CALLED TO ORDER/INTRODUCTIONS

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

APPROVAL OF MINUTES

The minutes from the October 14, 2022 meeting minutes were approved unanimously, without objection.

CORRESPONDENCE

There was no correspondence to report.

COMMITTEE REPORTS

Reclamation Committee met at the RCSOB on November 16, 2022.

DELIVERABLES

No deliverables were requested in the previous meeting.

PRESENTATIONS

Coal Mining Program Updates

Gregory Greenfield and Sharon Hill updated the Board on the coal mining program:

- Postmining Discharge Operations and Maintenance (O & M) Bonds and Trust Agreements for Long-Term Water Treatment: Mr. Greenfield provided details on the number of bonds and trusts currently in place for perpetual treatment of postmining discharges and their respective balances.
- Reclamation Fee and LRFG Accounts: The Board was shown the current information for the LRFG Account including operators at the operator limit of \$3 million (currently 1 Bituminous and 2 Anthracite operators). The Rec Fee O&M Account status was discussed, and current expenditures are keeping in line with Modified Projected Expenditures from the Rec Fee O&M Report.
- Alternative Bond System (ABS) Funding Diagram: Mr. Greenfield showed the diagram illustrating the various ways the ABS Program is funded.
- SMCRA Coal Fees Revenue and CWF Mining Fee Revenue: Mr. Greenfield showed the tables for the funds collected so far for the FY 2022-2023, through November 30th.
- Applications: Ms. Hill presented the permit applications in/out per DMO for all of 2022, as well as the current applications in progress.
- Regulatory and Non-Regulatory Agendas: Ms. Hill noted that there is nothing currently in the pipeline related to coal, but information will be shared once more is available. Ms. Hill did note that the Engineering Work Group had its first meeting in November and is currently looking for input from both MRAB and AAB representatives in the group and external consultants. The Work Group will be holding regular meetings going forward to develop additional tools that will replace the old Engineering Manual.

- E-Permitting: Electronic Discharge Monitoring Report (eDMR) registrations are continuing, focusing on those holding individual National Pollutant Discharge Elimination System (NPDES) permits. Outside of the eDMR system, e-permitting and reporting options are not mandatory, but strongly encouraged. System enhancement is continuing.
- Looking forward, the GP104 is up for renewal in March 2026, and ongoing system improvements to permitting are being made. The goal is to be able to have permits renewed and WMS registration completed for these permittees in one step.
- Forms and other updates: Ms. Hill provided a status report on the renewal application draft from last meeting. PCA provided comments regarding underground and coal refuse disposal operations in western PA. There have been no additional comments from surface operators. This document is expected to be available to replace the existing renewal form in the next few months. Ms. Hill also noted that there is a preference for electronic information submissions from operators rather than paper.

Bond Rate Summary

Mr. Greenfield presented the Board with the updated rates scheduled to go into effect April 1, 2023. Questions were answered regarding: 1) how 17% was determined; 2) the desire to not have the State be under-bonded; and 3) how the pandemic affected the bond rate numbers. Updated bond rate guidelines will be published in PA Bulletin.

Updates from BAMR

Patrick Webb updated the Board on BAMR's current projects: The Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed; and the future projects that BAMR is advancing through the design phase. A complete list of the projects was provided in the Board's meeting materials. For 2021, there were 174 projects completed, covering 431 acres, with a cost of \$23.8 million. For 2022, 110 projects were completed, covering 314 acres, with a cost of \$33.7 million, a significant jump. There are currently 47 active projects, with a cost of \$123 million and 70 future projects with an expected cost in excess of about \$106 million. There were 50 emergency projects at \$2.1 million cost in 2021; for 2022 there were 86 emergency projects at \$3.7 million cost. Mr. Webb noted the Omnibus Bill with the Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines (STREAM) Act to amend the Bipartisan Infrastructure Law (BIL) just passed and explained how up to 30% of the \$244.9 million in allocated funds can be used for Acid Mine Drainage, Mine Subsidence and Mine Fires after the next 20 years. Mr. Webb indicated that questions raised on specifics of funds and their bonding requirements require further discussion with OSM, which will be upcoming. Mr. Webb also noted that the 2022 Grant program closed Friday, January 13, 2023. The 2023 Grant program will open March 2023 with 3 rounds occurring through the full year.

Updates from the District Mining Offices

Dan Sammarco updated the Board on the current status of vacancies and workloads in the DMOs. Several vacancies within the DMOs continue to be challenging to fill. Recent reassignments and promotions were also noted.

Annual Report

The MRAB Annual Report for the July 2021-June 2022 reporting period was approved unanimously without objection.

TIMELINE FOR NEW BOARD MEMBER

BMP informed that adding a member from the coal refuse industry is on hold until the new administration is in place; the new DEP Secretary has the responsibility of appointing this new member to the Board, per Act 105 of 2022, amending Section 18(g) of the PA Surface Mining Conservation and Reclamation Act (PA SMCRA).

ADJOURNMENT/NEXT MEETING

The Board adjourned its meeting at approximately 11:10 a.m. The Board will meet again on April 13, 2023, at 10:00 a.m. Room 105 at the Rachel Carson State Office Building. The meeting will also be available through Microsoft Teams.