

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
July 25, 2024

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Original Fuels, Inc – Member)
Jack Chamberlin (Chamberlin Surveying and Consulting – Member)
Henry Zielinski (Northampton Generating Co., LP – Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
James Schmid (CAC -- Member)
Duane Feagley (PA Anthropoc Council -- Alternate)
Kenneth King (State Industries, Inc. – Alternate)
Rachel Gleason (PA Coal Alliance (PCA) – Alternate)
Ian Irvin (Executive Director CAC – Alternate)
Glendon King (PA House of Representatives -- Alternate)
Jacob Gery (PA Senate – Alternate)
Emily Eyster (PA Senate -- Alternate)

OTHER ATTENDEES

Joseph Sassaman (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
John Stefanko (DEP -- Active and Abandoned Mine Operations (AAMO))
Nate Houtz (DEP -- Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Laura Mensch (DEP – Mining Programs)
Daniel E. Snowden (DEP - Mining Programs/Board Liaison)
Alexandra Eberly (DEP -- Mining Programs)
Sage Saum (DEP – Mining Programs)
Emily Fisher (DEP – Mining Programs)
Laura Campbell (DEP – Policy Office)
Richard Marcil (DEP – Legal)
Kevin Bogdan (DEP – BAMR)
Jeffery I civic (PA Senate -- Guest)
Trent Machamer (PA Senate -- Guest)
Samuel Mashoob (Original Fuels, Inc. -- Guest)
Nathan Eachus (Affiliation Unknown -- Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. by Chair David Osikowicz. The Board members and alternates present in the meeting room introduced themselves, and Dr. Snowden facilitated to determine a quorum.

APPROVAL OF MINUTES

The minutes from the April 25, 2024 meeting were approved unanimously, without objection or comment.

PUBLIC COMMENT

There was no request to make any public comment.

CORRESPONDENCE

Dr. Snowden reported that the Board reappointments of Bobby Burns and Mark Snyder, and the new appointment for Henry Zielinski, have been approved. He also noted that Grace Berlew has been named as the Alternate for Rep Jim Haddock, and C. Jason Foster has been appointed by the CAC.

COMMITTEE REPORTS

There were no Committee Reports presented at this meeting.

DELIVERABLES

No deliverables were reported for this meeting.

PRESENTATIONS

Coal Mining Program Updates

Gregory Greenfield and Sharon Hill updated the Board on the customary status reports involving financial summaries, revenues, permitting and technical items, as reflected on the report provided for the Board Meeting.

- Post-Mining Discharge Operations and Maintenance (O&M) Bonds; not much change from last quarter was noted.
- Trust Agreements were reviewed.
- Land Reclamation Financial Guarantees (LRFG) – report showing operators and permits at \$1 million maximum; a 1:1 bond ratio; and a column showing total underwritten permits.
- Reclamation Fee Operation and Maintenance (O&M) Account - Mr. Greenfield noted there was nothing unique about the numbers in this quarter.
- Actual Expenditures this year have been very close to the projected expenditures, and Mr. Greenfield indicated this will be the method going forward, the projected/modified version.
- Mr. Greenfield noted the chart in the report illustrating the Alternative Bond System (ABS) and what monies are available.
- Clean Water Fund (CWF) and the PA Surface Mining Conservation and Reclamation Act (PA SMCRA) Fund revenues were also reviewed, with nothing significantly different occurring there.

- Permit applications were reviewed by Ms. Hill, who shared the in/out and in-process tables, as detailed in the database. She noted that the updated information was provided at this meeting, a new version showing numbers to July 1.
- Ms. Hill also answered a question which was raised at the last meeting, that anything coming in after November 2023 counts on the payback clock if the application has a fee associated with it. The backlog numbers (applications prior to November 2023) were reflected on the updated table, as Ms. Hill shared that information with the Board.
- Regulatory and Non-Regulatory Agenda update was provided by Ms. Hill, including information that the rescission of the Permit Transfers Technical Guidance Document (TGD) has not yet happened, as the Non-Regulatory Agenda needs to be published. The pertinent information in this TGD was incorporated into the new transfer application form. The Renewal TGD has been rescinded.
- Ms. Hill also provided information that the Water Supply TGD is in process, merging two TGDs, and revising another. The preliminary draft is not yet complete, but Ms. Hill is hoping a draft can be shared with the Board by the end of this year.
- Forms and Other Processes – Ms. Hill indicated that in addition to the other changes previously mentioned, there is a new application form for Revisions. This should replace the previous process of submitting a Module 1 or Face Sheet for any permit revision. She explained that this was a summary form to list the information being revised and make it easier for the reviewers not to miss anything, and streamline the process for the permittees. Also, the bituminous surface mine application is being updated to match the bituminous e-Permitting application with an aim for consistency between the applications. Redundancies and unnecessary information is being deleted.
- The Board asked a question about whether the underground applications would be getting any changes, and Ms. Hill indicated that the underground applications would be the last to be revised, streamlined and modified because they are complicated and there is usually additional information which is needed for those.
- Ms. Hill wished to update the Board on the Act 54 Report, which she indicated is complete and was sent to the Governor’s Office of Administration for them to release. Additionally, the 2024 Bond Rate guidelines were published on May 11, and can be viewed on the web now.

Updates from BAMR

The customary BAMR status report was presented by Joseph Sassaman, noting its completed, active, and future projects.

Funding Status:

- Projects Completed: In 2023, there were 119 projects completed, reclaiming 356 acres, at a cost of \$32.3 million; to date in 2024, there were 39 projects completed, reclaiming 6.5 acres, at a cost of just over \$811,000.
- Future completions: There are 33 projects to reclaim 851 acres, at a cost of just over \$103 million – all these projects are currently in construction. There are also

106 projects currently in the design stage to reclaim over 4200 acres, at a cost of approximately a little over \$409 million.

- Status of Bipartisan Infrastructure Law (BIL) Monies: In 2022, BAMR received \$244.9 million; this allowed BAMR to apply for the Stream Act and get \$73.4 million for long-term acid mine drainage (AMD) treatment, mine subsidence and mine fires. In 2023, BAMR received \$244.7M for the BIL grant and applied the Stream Act set-aside protocol with \$73.4 million as well. The 2024 amount received was \$244.7 million, and the Stream Act will be applied for in the fall again.
- Emergency projects: Four contracts nearing \$730,000; there are 2 pending non-emergency contracts currently advertised, totaling nearly \$1 million.
- Abandoned Mine Lands (AML)/AMD Subaward Program: For the combined funding sources for AML/AMD grant program, also known as our subaward program: in 2022, 16 subawards totaling \$8 million. In 2023 there were three rounds: 6 subawards in first round, totaling \$38.7 million; second round, 16 subawards at just over \$101 million; the third round saw 8 subawards, at just over \$5.6 million. So far in 2024, round 1 closed April 5, and they are working through the ten applicants currently scored; an announcement is imminent. Round 2 closed on July 19, there were 17 applications received, and staff is being set up to score those currently.
- DES-22 Request for Proposals (RFPs): There are now 28 executed agreements, totaling \$5.4 million.
- Staffing To date, BAMR has filled 50 of 71 vacant positions.

The Board had a question whether anyone was aware of delays in funding issuance; after clarification as to what part of the process of funding was being questioned, the answer was that there might occasionally be delays in vetting or with the Authorization to Proceed (ATP), but the payment of the funding was not known to be delayed.

After a brief issue with audio, there was further information addressing the question of funding delays. Mr. Stefanko provided a short explanation about the Abandoned Mine Land Economic Revitalization (AMLER) funding, which was changed in 2024. Federal legislation attempted to remedy an issue of extra vetting involved in AMLER funding acquisition process. Money was to come directly to PA, so BAMR did not have to submit a grant application. BAMR did receive the funding allocated within the federal legislation.

There was a question asked about whether BIL funds were eligible to be used for treatment of water in pre-act legacy discharges in the western part of PA; it was agreed that they were eligible under Title IV if it was a pre-1977 mine that led to the discharge. The definition of "legacy discharges" may cause the eligibility to be site-specific, if there are ties to active permit.

Updates from the District Mining Offices

Randy Shustack noted that each of the District Offices are continuing to try to find the balance between processing applications that fall under payback, and the backlog. He stated that it has been challenging with the staffing issues, but overall, he feels that there has been progress made. Mr. Shustack also explained that the District Offices are continuing to fill the eligible positions. It was noted by Mr. Stefanko that the program is going through re-budget and attempts will be made to potentially get a mining position or two. Also, mining permits are not currently part of the Streamlining Permits for Economic Expansion and Development (SPEED) permitting, where outside consultants would be hired. So currently, it is not affecting the mining program, though could potentially in the future.

The Board asked for an overview on the vacancies, and Mr. Shustack indicated that he has about 15 or 16 critical positions needing to be filled. When asked if the DMOs might be able to share work among offices, he indicated that it may need to be done, but at this point he is unsure of what that might look like.

NEW BUSINESS

There was no new business to discuss.

However, before the meeting was adjourned, the Chair indicated he was invoking privilege and deviating from the agenda. He then asked Nate Houtz if there were any other general comments he might want to make. Mr. Houtz took the floor to announce to the Board that John Stefanko was retiring the following day. Mr. Houtz also mentioned that he had been shadowing Mr. Stefanko for the previous two months in order to take the position of Deputy Secretary when he leaves.

The Chair congratulated Mr. Stefanko on his retirement, noted it had been a pleasure working with him, and asked if he had anything to add to this announcement. Mr. Stefanko then took a few minutes to thank everyone for helping him through all the years of being with the agency. He stated he had been here for over 38 years, nearly 13 of those as Deputy Secretary. He also noted that he feels he is hopefully leaving the agency in a better place than when he began.

ADJOURNMENT

The Board adjourned its meeting at approximately 10:42 a.m.

NEXT MEETING

The Board will meet again at 10:00 a.m. on Thursday, October 24, 2024, in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.