

Annual Report

July 2024 – June 2025



Commonwealth of Pennsylvania
Josh Shapiro, Governor
Department of Environmental Protection
Jessica Shirley, Secretary



EDITOR'S NOTE: All references in this report - including position titles held by individuals, legislative references and time references - are current for the time period ending June 2025.

A Message from MRAB Chairman David Osikowicz

On behalf of the Mining and Reclamation Advisory Board (MRAB) members, I am pleased to present for your review the Board's Annual Report, documenting the Board's activities from July 2024 through June 2025. The Board continues to address environmental problems related to past coal mining practices and to assist the Department in ensuring that current industry practices represent an environmentally responsible approach to mining. This report fulfills the statutory obligations of the Surface Mining Conservation and Reclamation Act (SMCRA).

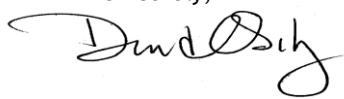
The Board holds four full board meetings per year, as outlined in the by-laws. For the 2024-2025 reporting period, full Board meetings were held on July 25, 2024; October 24, 2024; January 23, 2025; and April 24, 2025.

During the time frame of this report, Pennsylvania Department of Environmental Protection (PA DEP) staff provided the Board with regular updates on the status of Bond Rate Guidelines, Bureau of Abandoned Mine Reclamation (BAMR) Projects, Bureau of District Mining Operations (BDMO) activities and, the Alternative Bonding System (ABS) Legacy Sites.

The Board will continue to provide advice and technical input to the Department regarding expenditures and program administration of Abandoned Mine Lands (AML) Title IV monies, proposed regulatory rulemaking issues including Act 95, permit fees, financial guarantee and OSM issues, and other environmental issues as they arise.

The Board recognizes the dedication and support of all Board members and alternates and the ongoing contributions by both PA DEP staff and Board members. Furthermore, the Board remains highly committed to advising and working with the department in carrying out its mission, evaluating the rights and responsibilities of industry, and making responsible, calculated recommendations for the citizens of the Commonwealth.

Sincerely,



David Osikowicz,
Chairman

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Introduction

The Mining and Reclamation Advisory Board (MRAB) was created in 1984 by Act 181 of the Pennsylvania General Assembly, which amended the Surface Mining Conservation and Reclamation Act (SMCRA). The Board's purpose is to assist the Secretary of the Pennsylvania Department of Environmental Protection (PA DEP or DEP), through the Bureau of Mining Programs (BMP), in expending reclamation funds for the purposes provided by SMCRA and to advise the secretary on all matters pertaining to mining and reclamation. The advisory role of the Board also covers Title IV of SMCRA, which relates to abandoned mine land reclamation issues.

The Board is comprised of the following members:

- Two licensed bituminous surface mine operators;
- One licensed anthracite surface mine operator;
- Four public members of the Citizens Advisory Council, elected by the Council;
- One anthracite or one bituminous licensed professional engineer;
- One county conservation district representative, appointed by the Pennsylvania State Conservation Commission;
- One majority party state senator, appointed by the president pro tempore of the Senate;
- One minority party state senator, appointed by the president pro tempore of the Senate;
- One majority party state representative, appointed by the speaker of the House of Representatives; and
- One minority party state representative, appointed by the speaker of the House of Representatives.

The Board operates under bylaws adopted in January 1989 and amended in October 1993 and December 1996. The bylaws establish a committee structure and other operational procedures, including a minimum of four meetings per year, held in January, April, July and October, as required by SMCRA. *The bylaws current for the time period covered by this report are found in Appendix A.*

The Board's Committees

- **Annual Report Committee**

As mandated by Section 18(g)(5) of SMCRA, "The Board shall prepare an annual report on its activities and submit the report to the Senate Environmental Resources and Energy Committee and the House Conservation Committee." Throughout the reporting period, the committee compiles and summarizes information for inclusion in the Annual Report.

Members of the committee:

Duane Feagley, Chairperson
Kenneth King
David Osikowicz

- **Policy Committee**

The Policy Committee was formed in October 1993, under the name of "*Policy and General Issues Committee*." Its mission is to consider mining and reclamation policies identified as integral to the timely and efficient administration and operation of PA DEP's mining regulatory and abandoned mine reclamation programs.

Members of the committee:

Mark A. Snyder, Chairperson

- **Reclamation Committee**

The Ad Hoc Committee on Reclamation Issues was originally formed at the July 1997 Board meeting in response to concerns regarding the Bark Camp Mine Reclamation Laboratory in Clearfield County, the Reed and Strattanville sites in Clarion County and, a package of reclamation initiatives being developed under PA DEP's "Reclaim PA" program.

At the October 22, 1999 MRAB quarterly meeting, the Board voted unanimously to change the name to the Reclamation Committee to reflect the committee's ongoing work. The committee addresses reclamation issues, initiatives and activities.

Members of the committee:

Duane Feagley, Chairperson
Robert E. Hughes
Andy McAllister

- **Regulation, Legislation and Technical Committee**

The Regulation, Legislation and Technical Committee reviews all major regulatory packages coming before the Board during the reporting period and reports back to the full Board.

Members of the committee:

Jack R. Chamberlin, Chairperson
The Honorable Carl Walker Metzgar
The Honorable Patrick J. Stefano
The Honorable Carolyn Comitta
The Honorable James Haddock
Duane Feagley
Rachel Gleason
Kenneth L. King
David D. Osikowicz

FULL BOARD

SMCRA mandates that the MRAB meet four times per year. Throughout the reporting period, the full Board met four times. The following sections provide a summary of the activities of the full Board. For a complete list of meeting dates and locations, see **Appendix D**. Also, for more details on these meetings, refer to the MRAB web site at these links: 2024 (pa.gov) and 2025 (pa.gov) and the MRAB meeting minutes.

2024-2025 MAIN AGENDA TOPICS (Presented Alphabetically)

Annual Production Reports

This reporting process will receive updates for next year.

Applications

PA DEP provided the Board with a detailed breakdown of application data at each meeting during this reporting period, including the number of applications by each District Mining Office (DMO) and application type. All figures are available through the MRAB meeting materials shown on the PA DEP website (under “MRAB”).

Application Fee Revenues

PA DEP provided the Board with revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) during this reporting period. The time span covered included fiscal year 2018-2019 through the third quarter of fiscal year 2024-2025 (ending on March 31, 2025).

Bonding and Bond Rate Guidelines

At the January 14, 2025 Reclamation Committee meeting, the Pennsylvania DEP presented the proposed Coal Bond Rates for 2025. The DEP's estimates were based on 2024 BAMR project bids, including 11 Bituminous and two Anthracite projects. Comparisons of grading haul rates for under and over 500 feet with 2022 data revealed a 17% increase, which helped smooth annual changes. Due to an omission in the April 1, 2024 Pennsylvania Bulletin, the revegetation rate remained at \$3,200 per acre for 2024. For 2025, the rate was adjusted to \$3,600 per acre, which was lower than originally proposed. The final rates were published on April 1, 2025.

Bureau of Abandoned Mines Reclamation (BAMR) Projects/Status Report

Updates on reclamation projects were supplied by PA DEP's Bureau of Abandoned Mine Reclamation (BAMR) at each of the meetings during this reporting period. The information presented below is from information prepared by BAMR on May 28, 2025:

- **Projects Completed:** For 2024, there were 145 projects completed, reclaiming 131.6 acres, at a cost of just over \$29 million. As of April 24, 2025, a total of 34 projects have been completed at just over 89 acres and over \$10.6 million.

- ***Projects Currently in Construction:*** There were 37 projects to reclaim 895.5 acres, at a cost of approximately \$105.8 million.
- ***Projects Currently in Design:*** There were 162 projects to reclaim over 4,546 acres, at an estimated cost exceeding \$508 million.
- ***Bipartisan Infrastructure Law (BIL):*** There were four non-emergency construction contracts being advertised at approximately \$11.5 million noted at the April 24, 2025 meeting. There were two emergency construction contracts being advertised totaling \$455,000. As of the April 25, 2025 meeting, 32 projects had been completed at an estimated cost exceeding \$2 million.
- ***Abandoned Mine Lands (AML)/AMD Subaward Program:*** For the combined funding sources for AML/AMD grant program, also known as our Subaward program: there were 71 grant awards issued during the reporting period totaling over \$231 million. In 2022, there were 21 Subawards at over \$43 million. For 2023, round one resulted in six Subawards at an estimated cost exceeding \$38 million; round two had 16 Subawards exceeding \$113 million; and round three saw eight Subawards exceeding \$4 million. In 2024 there were again three rounds; round one had six Subawards, exceeding \$4 million; round two had nine Subawards, exceeding \$23 million; and round three had five Subawards exceeding \$1.5 million. There were changes made to the program in 2025: there will only be two rounds. The first-round closed April 25, 2025, and round two will be open September 2, 2025 to October 25, 2025.
- ***DES-22 Request for Proposals (RFP):*** As per the April 24, 2025 meeting, there were 43 executed agreements totaling \$10 million.
- ***Staffing:*** It was stated in the April 24, 2025 meeting, BAMR has filled 62 of 71 vacant positions; the Bureau has 27 vacancies.

Clean Water Fund (CWF) & PA SMCRA Fund: Reviewed; no significant changes.

Deliverables

As reported at the April 24, 2025 meeting, the only meeting of the year containing deliverables, they are as follows:

Gregory Greenfield reported on several deliverables, with some addressed immediately and others later in the meeting.

- ***LRFG 50% Permit Limit:*** At the January 23, 2025, Board meeting, a question was raised about exceeding the 50% Land Reclamation Financial Guarantee limit when increases are due solely to updated bond rate guidelines. Since bond rate changes reflect updated reclamation costs, exceeding the limit would require statutory and regulatory changes plus an OSMRE-approved program amendment.
- ***Acronym List:*** A previous request for BAMR to provide an acronym list will be fulfilled during today's updates.

- **Coal Bond Forfeitures (Past 10 Years):** The Department forfeited and collected \$12 M in bonds, but reclamation costs for those sites totaled \$17.9 M — a \$5.8 M shortfall across 69 permits (55 surface, 10 refuse reprocessing, 4 underground) involving 58 operators. Average bonds were underfunded by ~60%. These figures exclude a current forfeiture involving 43 permits, prompting upcoming program changes to prevent public liability for reclamation and water treatment.
- **Bond Rate Guideline Discussions:** A previously requested Reclamation Committee meeting to explore new guideline methods was rescinded. Laura Mensch will provide a status update on bond rate guideline developments later in the meeting.

District Mining Offices (DMOs) Update

Randy Shustack reported on ongoing bankruptcy proceedings involving Corsa Coal and Heritage Coal and Natural Resources, as well as the forfeiture of Waroquier Coal Company, affecting nearly 70 sites (40 with Corsa, 17 with Heritage, 19 with Waroquier). The BDMO is preparing logically and financially to take over these sites. Staffing efforts continued as the office remains short-staffed, with resources being coordinated collectively.

District Mine Managers Sam Faith (California DMO) and Dave Thomas (Cambria DMO) retired at the end of June. The interview process started shortly after, ensuring a smooth transition.

Land Reclamation Financial Guarantees (LRFG)

During this reporting period, PA DEP provided details on the number of LRFG permits and amount underwritten. The Board was shown the current information at each meeting for the LRFG Account including operators at the operator limit of \$3 million.

Other

Act 54 Report: Completed; sent to Governor's Office for release.

Staffing: Announcement of Greg Shuler's (BMP Tech Chief) retirement; vacancy open for Permits & Technical Chief.

Permitting & Applications

Permit application updates were provided, including in/out tables and backlog tracking. The backlog was clarified by noting that applications submitted after November 2023 are now on the "payback clock," while older applications submitted before that date are shown separately. Several process changes are underway, including replacing the Module 1/Face Sheet system with a new Revision application form and updating the Bituminous surface mine application to align with ePermitting. Redundancies are being removed to improve efficiency, while revisions to underground applications will be addressed last, due to their greater complexity.

Postmining Discharge Operations and Maintenance (O & M) Bonds and Financial Trust Agreements

Commented [LM1]: Add to list of agenda topics in table of contents

PA DEP provided regular updates regarding the status of Postmining Discharge O & M Trust Agreements during this reporting period. These arrangements included bonds, fully funded trusts and partially-funded trusts.

Reclamation Fee Operations and Maintenance (O & M) Trust Account

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PA DEP provided regular updates on the status of the Reclamation Fee Account during this reporting period, in terms of: 1) coal civil penalties collected and interest earned; 2) additional revenue transactions; and 3) LRGF premiums and interest. At the October 24, 2024 meeting, PA DEP presented the draft 2024 Reclamation Fee O & M Trust Account Report to the Board. The finalized report and reclamation fee of \$100/acre was published in the PA Bulletin in January 2025.

Reducing Industrial Sector Emissions in Pennsylvania (RISE PA) Presented by Louie Krak

At the January 23, 2025 meeting, Louie Krak presented on RISE PA (“Reducing Industrial Sector Emissions in Pennsylvania”). RISE PA is a five-year program aimed at cutting greenhouse gas and co-pollutant emissions from the state’s industrial sector, which accounts for 30% of total emissions.

Funded by a \$396 million U.S. EPA award—the second-largest in Pennsylvania’s history—the program will support projects targeting fossil fuel combustion, industrial processes, fugitive emissions from coal mines, and natural gas production and distribution.

Grants are available across three tracks: small businesses (≤ 500 employees) with awards of \$25K–\$500K, medium projects (\$300K–\$20M), and large projects (\$20M–\$110M), with required cost matches of 50–70%.

Projects must achieve at least a 20% emissions reduction, with bonuses for community benefits, fair labor practices, and exceeding reduction goals.

Mr. Krak announced that applications will open in early 2025 and be awarded in multiple rounds, with first awards expected mid-2025. RISE PA funds may also be combined with other federal, state, or local grants to meet cost-sharing requirements.

Revenues

During this reporting period, PA DEP provided regular status reports on application fee revenues from two main sources: 1) the Surface Mining Conservation and Reclamation Act (SMCRA); and 2) the Clean Water Fund (CWF).

Water Supply Replacement TGD Overhaul

At the February 25, 2025 Joint MRAB/Aggregate Advisory Board/RLT Committee Meeting, updates were presented for the major changes to coal and noncoal regulations involving four outdated Technical Guidance Documents (TGDs). Due to regulatory updates in coal (2021) and noncoal (2023), it was announced that two TGDs will be rescinded, one revised, and one revised and expanded. Specifically, TGD 101 (WSR & Permitting) and TGD 702 (Insurance) will be

rescinded, with their content consolidated into TGD 605 (WSR & Compliance), which will become the primary guidance and include new noncoal, insurance, and bonding information. TGD 102 (O&M Costs) remains useful but will undergo minor updates, with obsolete forms and appendices removed. Overall changes eliminate outdated instructions, align coal guidance with federal rules, and reflect revised noncoal liability insurance requirements. It was proposed that draft revisions may be presented to Boards when they are ready later in 2025.

Appendix A

BYLAWS OF THE MINING AND RECLAMATION ADVISORY BOARD

As Amended December 12, 1996

ARTICLE I Authorization

The Mining and Reclamation Advisory Board is authorized and organized pursuant to Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act (Act 181 of 1984) as amended by Act 173 of 1992.

ARTICLE II Purpose

The advisory Board is charged to assist the secretary to expend the funds for the purposes provided by this act and to advise the secretary on all matters pertaining to surface coal mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, selection of reclamation projects, alternate reclamation methods, obligations for pre-existing pollution liability, alteration of reclamation loans, reclamation fees and bonding rates and methods.

ARTICLE III Membership

The Board shall be comprised of three coal operators, two of whom shall be licensed bituminous surface mine operators and one of whom shall be a licensed anthracite surface mine operator; four public members from the Citizens Advisory Council, who shall be appointed by the council; two members, one from the Anthracite and Bituminous Licensed Professional Engineers, and one from the County Conservation Districts, who shall be appointed by the State Conservation District Commission; four members of the General Assembly, two from the Senate, one member from the majority party and one member from the minority party, who shall be appointed by the president pro tempore; and two from the House of Representatives, one from the majority party and one from the minority party, who shall be appointed by the speaker of the House of Representatives.

A. Board members shall designate an alternate. The chairperson shall be notified, in writing, of such alternate.

B. The Board may recommend to the appointing authority removal of any member not attending, or not represented by a designee, at two Board meetings in a year.

ARTICLE IV

Voting

Members, or designated alternates, shall be entitled to one vote, in person, on all matters that shall come before the Board. No voting shall be done without a quorum, unless otherwise indicated in these bylaws. A majority of the membership of the Board shall constitute a quorum.

ARTICLE V

Officers

The officers of the Board shall be a chairperson and a vice-chairperson.

The chairperson and vice chairperson shall be elected from the membership of the Board, as defined in the Pennsylvania Surface Mining Conservation and Reclamation Act, as amended, and may not be the secretary of the Department of Environmental Protection, or his designee. They shall hold office for a term of one year, or until a successor is elected.

It shall be the duty of the chairperson to preside at all meetings of the Board, call special meetings, prepare and distribute the meeting agenda and perform such other duties as pertain to the office.

It shall be the duty of the vice-chairperson to perform the duties of the chairperson in his/her absence.

ARTICLE VI

Administration

Administrative and clerical duties shall be performed by the Office of Mineral Resources Management, Department of Environmental Protection. A department staff person shall function as a recording and corresponding secretary. Included among these administrative duties shall be:

- A. To give timely notice of meetings of the Board and committees.
- B. To record full Board and committee meeting minutes and keep a permanent file. Board and committee meeting minutes shall be distributed to the full membership. Minutes should be reviewed by the chairperson or vice-chairperson prior to distribution.
- C. To conduct both outgoing and incoming correspondence and maintain a permanent file of such correspondence, and
- D. To perform such other duties as may be requested by the Board, including, but not limited to, travel arrangements, conference calls, etc.

In addition, staff representatives from the Office of Mineral Resources Management shall serve as staff liaison to the Board.

ARTICLE VII

Committees

The Board may establish committees to assist in performing its advisory duties.

- A. Committees shall be established by a majority vote of those members attending a regular or special meeting of the Board.
- B. The Board chairperson shall appoint committee members. The committee chairperson shall be selected by its members. The committee chairperson will be responsible for calling committee meetings, requesting needed assistance from DEP, and reporting to the Board, and shall receive necessary administrative and clerical support from DEP.
- C. Each committee shall develop and adopt a statement of purpose or objective of the committee at a meeting of that committee after its creation.
- D. The chairperson of the Board shall appoint a committee to prepare the Annual Report, as mandated by Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act.
- E. A listing of the committees and their statements of purpose shall be maintained as an appendix to these bylaws. Changes to the appendix shall not constitute a change to the bylaws.

ARTICLE VIII

Meetings

The Board shall meet on the first Thursday of the months of January and July and the fourth Thursday of the months of April and October, unless changed by a majority of the members. Alternate meeting dates and special meetings shall be called by the chairperson, in consultation with the vice-chairperson. Committee meetings shall be called by committee chairpersons, who shall also notify the full Board.

ARTICLE IX

Participation by Non-Board Members

- A. Formal Presentation

Any person may ask the Board for time on the formal agenda to present policy, regulatory or legislative concerns for the Board to consider. The request shall be made in writing to the chairperson and include a summary of the presentation. The chairperson shall determine the interest of the Board in the subject and decide if the presentation will be

allowed during the formal agenda. Requests shall be submitted at least one month prior to a Board meeting.

B. Informal Discussion

At the discretion of the chairperson, any person present at the meeting shall be afforded the opportunity to speak to the Board or ask questions of Board members.

ARTICLE X
Amendments

The bylaws may be amended, repealed or suspended at any meeting of the Board by a two-thirds vote of the members of the Board, provided that written notice of such amendment, repeal or suspension shall have been sent to each member at least one week prior to said meeting.

ARTICLE XI
Board Representation

The Board shall act as a body in all matters before it and only the chairperson, or his or her designee, the vice-chairperson or the Board's designee shall speak on behalf of the Board.

Appendix B

OFFICERS OF THE BOARD FOR THE REPORTING PERIOD **July 2024 – June 2025**

Board Chairperson	David Osikowicz
Board Vice Chairperson	Robert Burns
Annual Report Committee Chairperson	Duane Feagley
Policy Committee Chairperson	Mark Snyder
Reclamation Committee Chairperson	Duane Feagley
Regulation, Legislation and Technical Committee Chairperson	Jack Chamberlin

Appendix C

BOARD MEMBERSHIP FOR THE REPORTING PERIOD

July 2024– June 2025

Board Member	Position	Alternate
David Osikowicz	Bituminous Surface Mine Operator	Rachel Gleason
Mark Snyder	Bituminous Surface Mine Operator	Kenneth King
Jack Chamberlin	Licensed Professional Engineer	Rachel Gleason
Robert Burns	Anthracite Surface Mine Operator	Duane Feagley
Sen. Patrick Stefano	General Assembly	Jacob Gery
Sen. Carolyn Comitta	General Assembly	Emily Eyster
Rep. Carl Walker Metzgar	General Assembly	Glendon King
Rep. James Haddock	General Assembly	Grace Berlew
John St. Clair	Citizens Advisory Council	Ian Irvin
Katie Hetherington Cunfer	Citizens Advisory Council	Ian Irvin
C. Jason Foster	Citizens Advisory Council	Ian Irvin
Vacant	Citizens Advisory Council	Vacant
Robert Hughes	State Conservation Commission/Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)	Andy McAllister

Appendix D

MEETING DATES DURING THE REPORTING PERIOD **July 2024– June 2025**

Date	Location	Meeting
July 25, 2024	Harrisburg/Microsoft Teams	Full Board
October 24, 2024	Harrisburg/Microsoft Teams	Full Board
January 23, 2025	Harrisburg/Microsoft Teams	Full Board
April 24, 2025	Harrisburg/Microsoft Teams	Full Board

All meetings were offered in conference call/Microsoft Teams formats, except where noted

Appendix E

MRAB COMMITTEES FOR THE REPORTING PERIOD **July 2024 – June 2025**

Annual Report Committee

Duane Feagley, Chairperson PA Anthracite Council PO Box 138 Pottsville, PA 17901 Tel: 717-737-9825	David D. Osikowicz Original Fuels, Inc. P.O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171
Kenneth L. King State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-548-8101	

Reclamation Committee

Duane Feagley, Chairperson PA Anthracite Council PO Box 138 Pottsville, PA 17901 Tel: 717-737-9825
Robert E. Hughes EPCAMR 101 South Main Street Ashley, PA 18706 Tel/Fax: 570-371-3522
Andy McAllister (Alternate) WPCAMR Green Forge Building 226 Donohoe Road, Suite 110 Greensburg, PA 15601 Tel/Fax: 724-832-3625

Regulation, Legislation and Technical Committee

Jack R. Chamberlin, Chairperson 702 Chamberlin Road Brookville, PA 15825 Tel: 814-849-4181 Fax: 814-849-7166	The Honorable Carl Walker Metzgar PA House of Representatives 111 Ryan Office Building PO Box 202069 Harrisburg, PA 17120-2069 Tel: 717-783-8756 Fax: 717-782-2911
The Honorable Carolyn T. Comitta Senate of Pennsylvania Room 457, Main Capitol Building PO Box 203019 Harrisburg, PA 17120 Tel: 717- 787-5709 Fax: 610-436-1721	David D. Osikowicz Original Fuels, Inc. P.O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171 Fax: 814-938-5008
Duane Feagley (Alternate) PA Anthracite Council PO Box 138 Pottsville, PA 17901 Tel: 717-737-9825	The Honorable James Haddock PA House of Representatives 101A East Wing P.O. Box 202118 Harrisburg, PA 17120-2118 Tel: 717-787-3589 Fax: 717-780-4763
Rachel Gleason (Alternate) Pennsylvania Coal Alliance 212 North Third Street Suite 102 Harrisburg, PA 17101 Tel: 717-233-7900, ext. 24	The Honorable Patrick J. Stefano Senate of Pennsylvania 183 Main Capitol Senate Box 203032 Harrisburg, PA 17120-3032 Tel: 717-787-7175 Fax: 724-626-1611 or 814-443-2057
Kenneth L. King (Alternate) State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-545-7447 Fax: 724-545-2989	