

# Annual Report July 2020 – June 2021



Commonwealth of Pennsylvania  
Thomas W. Wolf, Governor

Department of Environmental Protection  
Patrick W. McDonnell, Secretary



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**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 2021.**

## **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 2020 through June 2021. 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.

The Board holds four full board meetings per year, as outlined in the bylaws. For the 2019-2020 reporting period, full Board meetings were held on July 16, 2020; October 22, 2020; January 21, 2021; and April 22, 2021. The Regulation, Legislation and Technical (RLT) Committee met on the following dates: a) October 15, 2020 to discuss: 1) proposed changes to the Coal Refuse Disposal Regulations (25 PA Code Chapters 88 and 90); 2) the Engineering Manual for Mining Operations; and 3) the Liners and Caps for Coal Refuse Disposal Areas Technical Guidance Document (TGD); and b) December 15, 2020 to discuss the Remining of Areas with Pre-existing Pollutational Discharges TGD. **It should be noted that all Board meetings during this reporting period were held via Skype only, due to the COVID-19 emergency. Also, due to the COVID-19 emergency, the Board did not hold a field trip during this reporting period.**

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, permit fees, bonding, and other mining-related 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 or Board) 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 – per 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 the Federal Surface Mining Control and Reclamation Act, 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:

Rachel Gleason, Chairperson  
Duane Feagley  
Tara Hazelwood  
Darrel K. Lewis

### 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 (RLT) Committee reviews all major regulatory packages coming before the Board during the reporting period and reports back to the full MRAB.

Members of the committee:

Jack R. Chamberlin, Chairperson	Duane Feagley
The Honorable Tommy Sankey	Rachel Gleason
The Honorable Pamela Snyder	Darrel K. Lewis
The Honorable Patrick J. Stefano	David D. Osikowicz
The Honorable John Yudichak	

## **Full Board**

SMCRA mandates that the MRAB meet four times per year and the Board met this obligation during the reporting period. 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 and, the MRAB meeting minutes, per these links: [2020 \(pa.gov\)](#) and [2021 \(pa.gov\)](#).

### **2020-2021 MAIN AGENDA TOPICS (Presented Alphabetically)**

#### **Actuarial Study: Reclamation Fee Operation and Maintenance Trust Account**

During the reporting period, PA DEP BMP engaged in an actuarial study of the Reclamation Fee Operation and Maintenance Trust Account which provides funding for operation and maintenance at permits that were bonded under the now defunct, Alternative Bonding System (ABS) program. The first part of the study focused on outstanding liabilities in the ABS Program. These results will be shared with the MRAB in the near future. The second part of the study, which will focus on the Land Reclamation Financial Guarantee Program, is scheduled to begin at a later date.

#### **Bonding and Bond Rate Guidelines**

PA DEP BMP provided the Board with proposed numbers for grading and revegetation costs in order to calculate the 2021 bond rate guidelines. These bond rates are used by the District Offices to determine the amount of bond an operator must post for their permit to ensure the Department has the money to complete the reclamation in the event of bond forfeiture. The proposed bond rates are determined using construction bids submitted to the Department's Bureau of Abandoned Mine Reclamation (BAMR) during the calendar year. The low bids for each project are separated into various categories (e.g. grading, mobilization, etc.) and are average with the lowest bid values for the previous two years. This weighted average approach ensures bond rates are not subject to dramatic increases from just one year of costs. The bond rates for 2021 went into effect on April 1, 2021. This item was also included as a deliverable to the Board, per preliminary bond rates for 2022.

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

The PA DEP's Bureau of Abandoned Mine Reclamation (BAMR) provided updates to the Board on reclamation projects for this reporting period. In the 2020 calendar year, there were 156 projects completed that reclaimed 343.5 acres, at a cost of \$28,265,425. For the period of January 1-March 31, 2021, there were two projects completed that reclaimed 8.3 acres, at a cost of \$492,600. For future projects, there are 62 contracts in place that would reclaim 1,269.6 acres upon completion, at a cost of \$131,891,657. For future awards, there are 78 contracts under review that would reclaim 1,293.6 acres when completed, at a cost of \$98,612,055. Additionally, in 2020, there were 63 emergency projects completed, with \$2.5 million worth of work performed. Between January 1 and March 31, 2021, BAMR had completed 12 emergency projects, with \$120,000 worth of work performed. Additionally, legislation relating to program funding has been introduced at both the State and the Federal levels. Further information will be provided as matters continue to develop.

#### **Coal Civil Penalties Technical Guidance Document (TGD)**

PA DEP BMP reported to the Board that the draft Coal Civil Penalties TGD was published in the *PA Bulletin* in August 2020 and was made available for the Board's RLT Committee discussion after the review and comment period. On February 27, 2021, the Coal Civil Penalties TGD was published as final in the *PA Bulletin*.

### **Coal Refuse Disposal Regulations**

PA DEP BMP shared information with the Board about potential changes to the Coal Refuse Disposal Regulations (25 PA Code, Chapters 88 and 90) with the Board, following the Board's RLT Committee meeting in October 2020. As part of the effort to ensure consistency with the Federal Regulations governing coal mining, PA DEP had undergone rulemaking to address the discrepancies that existed for temporary cessations. The Pennsylvania regulations put a one-year limit on the amount of time that an operator could be under temporary cessation. The Federal regulations removed this one-year limit and added several permit requirements to approve temporary cessation, so the regulations were no longer consistent. In 2018, the PA DEP finalized the "OSMRE Program Consistency" rulemaking. One of the goals of this rulemaking was to revise the temporary cessations regulations to be consistent with the Federal Regulations. While most of the regulations were able to be updated, the coal refuse disposal regulations are promulgated under the Coal Refuse Disposal Control Act (CRDCA) rather than the Surface Mining Conservation and Reclamation Act. To make the regulatory changes, the PA General Assembly in 2019 passed Act 74 which modified the CRDCA to remove the upper limit on temporary cessation and add in the new permit requirements. The Department could then revise the respective coal refuse disposal regulations of Chapter 88 (Anthracite Coal Mining) and Chapter 90 (Bituminous Coal Refuse Disposal). The rulemaking would specifically address: 1) notices to undergo temporary cessation; 2) confirmation of sufficient bond coverage; 3) timing for installing a phased system to prevent precipitation infiltration of the refuse material; 4) PA DEP enforcement of other related regulatory obligations during cessation (temporary); 5) identification of the work the permittee would be responsible for during cessation; and 6) grounds for termination of cessation status (temporary and permanent). These regulations were prepared for presentation to the Environmental Quality Board (EQB). The EQB adopted these regulations at its June 15, 2021 meeting.

### **Deliverables**

This is a new item that will appear on future meeting agendas to ensure that nothing discussed in the meetings is missed. During the Board's April 22, 2021 meeting, the deliverables determined for the July 15, 2021 meeting included:

- 2022 Preliminary Bond Rate Guidelines
- Clarification of the Water Quality Limits paragraph in the Remining TDG
- Manganese Water Quality Results Request (from the Clean Water Program)
- Reclamation Fee Revenue Information (for the end of 2020)
- Obtaining Information for the combined MRAB Field Trip/Meeting from the Moshannon District Mining Office (DMO)
- Clarity on the Recording of Meetings (e.g., specific script, consent)

### **District Mining Offices (DMOs) Update**

PA DEP BMP provided the Board with periodic updates on the activities of the DMOs (e.g., vacancies, workloads, processing of permit applications, management of overdue permit application approvals).

### **E-Initiatives**

PA DEP BMP provided the Board with updates on e-Initiatives, including Notice of Intent to Explore (NOI) e-permits, electronic discharge monitoring reports (eDMRs), mobile inspections and the distribution of inspection reports.



### **Engineering Manual**

The Engineering Manual for Mining Operations received around 140 public comments. PA DEP BMP is working on sorting these comments, and then send them to the DMOs for review. Additional information may be added to the Manual. This process may take several months.

### **Field Trip**

Due to the COVID-19 pandemic, the Board did not hold a field trip during this reporting period.

### **Land Reclamation Financial Guarantees (LRFG)**

PA DEP BMP provided regular updates on this topic to the Board, in terms of the number of LRFG operators and permits, along with the amount of funding to underwrite the LRFG program. An ongoing discussion with the Board included raising the LRFG permit and/or operator limit as well as using LRFG premiums to help with operation and maintenance costs at ABS sites. As of March 31, 2021, the total amount underwritten for LRFG stood at \$48.3 million.

### **Liners and Caps for Coal Refuse Disposal Areas TGD**

As part of the coal refuse disposal rulemaking, it was noticed that the TGD that addresses the requirements for liners and caps at coal refuse disposal areas was specifically mentioned by name in the existing regulations. The title was “Liners – Impoundments, Stockpiles, and Coal Refuse Disposal Areas”, which was misleading as the guidance also applied to caps as well. The Department had several other changes to make in this guidance document including the minimum liner requirements for new coal refuse sites, alternatives to liners, and updated requirements to capping a coal refuse site. A minor revision to change the name of the guidance document is scheduled to be published in the July 2021 *PA Bulletin*. This minor revision is being made so that the rulemaking can continue and likely finish before the TGD is updated. The TGD will appear in the *PA Bulletin* in the future for public comment following significant revisions.

### **MRAB and Deep Mine Issues**

The MRAB had an internal discussion about a request to review underground mining issues (this request came from the coal operator representatives on the Board, one of whom also serves on the Citizens Advisory Council (CAC)). The conclusion was that the Board’s scope only covers surface mining matters, unless there is a deep mining issue that directly affects surface mining.

### **Manganese Water Quality Standard**

PA DEP Bureau of Clean Water (BCW) gave a presentation on the proposed Manganese Water Quality Standard to the Board. The EQB had proposed a new standard for manganese, which was prompted by Act 40. The proposed Manganese Water Quality Standard changes were published to the *PA Bulletin* in July 2020, with a public comment period that ended in September 2020. The Bureau of Clean Water is currently reviewing the received comments and is formulating a formal recommendation but is still welcoming manganese data from industry members. PA DEP BCW hopes to have something finalized and ready for the Board (MRAB) to review, by late 2021 or early 2022. This topic was among the deliverables to the Board (per water quality results for manganese).

### **National Pollutant Discharge Elimination System (NPDES) Permitting**

PA DEP BMP provided the Board with regular updates on the NPDES draft mining permits sent to the United States Environmental Protection Agency (US EPA) for review, since the US EPA currently has

oversight of the development of these NPDES permits. PA DEP is working to develop an NPDES permit guidance document and a permit template, all in order to address US EPA's concerns.

Once these items are completed, the US EPA may end its oversight of the PA DEP NPDES permitting program for mining permits. As of March 31, 2021, 973 draft NPDES permits have been sent to the US EPA; 556 of these permits were issued without US EPA comments, while 417 of these were issued with minor comments from the US EPA. There were three NPDES permits that could be issued with minor comments and 28 permits that could be issued without comments. Also, there were pending NPDES permits, including six permits with some comments expected and, eight permits with no comments expected. It should be noted that comments and objections from the US EPA seem to be decreasing over time. The PA DEP BMP continues its monthly calls with the US EPA.

### **Non-Regulatory Agenda**

PA DEP provided reports to the Board on the following TGDs and other documents: 1) the Civil Penalties TGD is in the final publication process and was provided to the Board in the handouts; 2) the Engineering Manual is open for public comment until January 28, 2021; 3) the Liners and Caps TGD is being redrafted and will be presented to the Board before being published as draft; 4) the Surface Water Protection for Underground Bituminous Coal Operations TGD is undergoing preliminary drafting and, will be provided to a Citizens Advisory Council (CAC) workgroup for review as it becomes available; 5) the GP-104 revision has been published for public comment until February 8, 2021; and 6) a Standard Operating Procedure (SOP) for non-mining related activities is being considered, but no formal drafting has been started.

### **Permit Applications**

PA DEP BMP provided the Board with regular status reports on coal mining permit application types in process at the District Mining Offices (DMOs) (i.e., pre-applications, new mines, major or minor permit revisions, completion reports, NPDES (individual and GP-104), renewals, blast plans, bond revisions, mid-term reviews, Government-Financed Construction Contracts (GFCCs), and transfers). Processing times for these permit application types in the DMOs was also provided.

### **Permit Decision Guarantee (PDG)**

On a regular basis, PA DEP BMP provided updates on this program to the Board, in response to the 1) PDG operations; 2) development of Standard Operating Procedures (SOPs); 3) checklists; and 4) concerns regarding the backlog of permits in the system.

### **Policy and the TGD Process**

The PA DEP Policy Office gave the Board a brief look into the Policy Office's role in the TGD process, with a focus on its continual collaboration with both programs within the Department and Advisory Boards and Committees.

### **Postmining Discharge Operation and Maintenance Bonds & Financial Trust Agreements**

PA DEP BMP provided the Board with regular updates regarding the status of postmining discharge operation and maintenance bonds being held by the Department to treat noncompliant discharges. As an alternative to these bonds, operators have also established financial trust agreements to assure the financial requirements of long-term water treatment for postmining discharges can be achieved.

### **Reclamation Fee Operation and Maintenance (O & M) Trust Account**

PA DEP BMP provided the Board with regular updates on the status of the Reclamation Fee O&M Trust Account, in terms of 1) coal civil penalties collected and interest earned; 2) additional revenue transactions; and 3) LRFG premiums and interest. As mentioned earlier in this report, this fund is used to pay for operation and maintenance of ABS sites. This topic was among the deliverables to the Board (in terms of fee revenues).

### **Regulatory Updates**

PA DEP BMP provided the Board with regular status reports on a variety of regulatory packages including:

- **Water Supply Replacement**: PA DEP BMP worked with the Board's RLT Committee to revise the Water Supply Replacement sections in Chapters 87 and 88. During its March 16, 2020 meeting, the RLT Committee voted to move these regulations to the full Board for consideration and the Board passed a motion to adopt them. The regulations have been modified to reflect minor changes from the RLT Committee, in order to enter the finalization process. These regulations were approved by Independent Regulatory Review Commission (IRRC) during its April 15, 2021 meeting and is pending publication in the *PA Bulletin*; and
- **Coal Refuse Disposal**: PA DEP BMP shared information with the Board about potential changes to the Coal Refuse Disposal Regulations (25 PA Code, Chapters 88 and 90) with the Board, following the Board's RLT Committee meeting in October 2020. As part of the effort to ensure consistency with the Federal Regulations governing coal mining, PA DEP had undergone rulemaking to address the discrepancies that existed for temporary cessations. The Pennsylvania regulations put a one-year limit on the amount of time that an operator could be under temporary cessation. The Federal regulations removed this one-year limit and added several permit requirements to approve temporary cessation, so the regulations were no longer consistent. In 2018, the PA DEP finalized the "OSMRE Program Consistency" rulemaking. One of the goals of this rulemaking was to revise the temporary cessations regulations to be consistent with the Federal Regulations. While most of the regulations were able to be updated, the coal refuse disposal regulations are promulgated under the Coal Refuse Disposal Control Act (CRDCA) rather than the Surface Mining Conservation and Reclamation Act. To make the regulatory changes, the PA General Assembly in 2019 passed Act 74 which modified the CRDCA to remove the upper limit on temporary cessation and add in the new permit requirements. The Department could then revise the respective coal refuse disposal regulations of Chapter 88 (Anthracite Coal Mining) and Chapter 90 (Bituminous Coal Refuse Disposal). The rulemaking would specifically address: 1) notices to undergo temporary cessation; 2) confirmation of sufficient bond coverage; 3) timing for installing a phased system to prevent precipitation infiltration of the refuse material; 4) PA DEP enforcement of other related regulatory obligations during cessation (temporary); 5) identification of the work the permittee would be responsible for during cessation; and 6) grounds for termination of cessation status (temporary and permanent). These regulations were prepared for presentation to the Environmental Quality Board (EQB). The EQB adopted these regulations at its June 15, 2021 meeting.

### **Remining Financial Guarantees**

PA DEP BMP provided the Board with a historical overview of bond forfeitures, anticipated forfeitures and, their impacts on the Remining Financial Assurance Fund.

### **Remining of Areas with Pre-existing Pollutational Discharges TGD**

PA DEP BMP met with the Board's RLT Committee to discuss the Remining of Areas with Pre-existing Pollutational Discharges TGD. The RLT Committee made several suggestions and comments on the document. Additionally, there were two questions the Committee had asked regarding eligibility requirements, with regards to coal preparation plant sites. On the first question, it was determined that these sites would not be eligible for Subchapter F type protection, as they fall under Chapter 89 (Bituminous Underground Mines), which does not include Subchapter F provisions. On the second question, it was determined that coal preparation plant sites may be able to utilize Consent Order & Agreements on a case specific basis for remining issues. Additionally, regarding the eligibility of surface effects of an underground mine being covered by Subchapter F, the details of the case would matter, but surface activities would be regulated under Chapter 87, which includes Subchapter F.

As of April 30, 2021, PA DEP BMP had developed an updated draft of this TGD, which incorporated comments received from the presentation on the TGD during the Board's April 22, 2021 meeting. This revised version is ready for publication and public comment. However, after some discussion, the Board withheld approval, requesting further information on the Water Quality Limits (i.e., for pre-existing effluent discharges that would qualify for protection under the TGD, per Chapter 87 Subchapter F). This topic was included among the deliverables to the Board.

### **Revenues**

PA DEP provided the Board with regular status reports on application fee revenues that were deposited into the Surface Mining Conservation and Reclamation Fund and the Clean Water Fund (CWF).

### **Technical Items**

The 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 request to have all operators covered under the GP-104 was done, via mass mailing. There was an error with this mailing that affected some addresses. Because of this, a second mailing was sent out, and the response deadline was adjusted by an additional two weeks. Standard Operating Procedures (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.

### **Water Supply Replacement Regulations**

PA DEP BMP worked with the Board's RLT Committee to revise the Water Supply Replacement sections in Chapters 87 and 88. During its March 16, 2020 meeting, the RLT Committee voted to move these regulations to the full Board for consideration and the Board passed a motion to adopt them. The regulations have been modified to reflect minor changes from the RLT Committee, in order to enter the finalization process. These regulations were approved by the IRRC during its April 15, 2021 meeting and is pending publication in the *PA Bulletin*.

## **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 2020 – June 2021

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

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## Appendix C

### Board Membership for The Reporting Period

July 2020 – June 2021

Board Member	Position	Alternate
David Osikowicz	Bituminous Surface Mine Operator	Rachel Gleason
Mark Snyder	Bituminous Surface Mine Operator	Darrel Lewis
Jack Chamberlin	Licensed Professional Engineer	Rachel Gleason
Robert Burns	Anthracite Surface Mine Operator	Duane Feagley
Sen. Patrick Stefano	General Assembly	Mark Fetzko
Sen. Steven Santasiero	General Assembly	Timothy Collins
Rep. Tommy Sankey	General Assembly	Glendon King
Rep. Pamela Snyder	General Assembly	Tara Hazelwood
John St. Clair	Citizens Advisory Council	Will Dando
James A. Schmid	Citizens Advisory Council	Keith Salador
Cynthia Carrow	Citizens Advisory Council	Keith Salador
Terry Dayton	Citizens Advisory Council	Keith Salador
Robert Hughes	State Conservation Commission/Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)	Andy McAllister

## Appendix D

### Meeting Dates During the Reporting Period

July 2020 – June 2021

Date	Location	Meeting
July 16, 2020	Skype Meeting Only	Full Board
October 15, 2020	Skype Meeting Only	Regulation, Legislation and Technical Committee
October 22, 2020	Skype Meeting Only	Full Board
December 15, 2020	Skype Meeting Only	Regulation, Legislation and Technical Committee
January 21, 2021	Skype Meeting Only	Full Board
April 22, 2021	Skype Meeting Only	Full Board

Note: All meetings were offered in conference call/Skype formats only, due to the COVID-19 emergency.

## Appendix E

### MRAB Committees for The Reporting Period

July 2020 – June 2021

#### Annual Report Committee

Rachel Gleason, Chairperson Pennsylvania Coal Alliance 212 North Third Street Suite 102 Harrisburg, PA 17101 Tel: 717-233-7900, ext. 24	Duane Feagley PA Anthracite Council PO Box 138 Pottsville, PA 17901 Tel: 717-737-9825
Darrel K. Lewis State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-548-8101	Tara L. Hazelwood PA House of Representatives 104A East Wing PO Box 202052 Harrisburg, PA 17120-2052 Tel: 717-783-0411

#### Policy Committee

Mark A. Snyder, Chairperson  
State Industries, Inc.  
P.O. Box 1022  
Kittanning, PA 16201  
Tel: 724-548-8101  
Fax: 724-545-2989

#### 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

<p>Jack R. Chamberlin, Chairperson 702 Chamberlin Road Brookville, PA 15825 Tel: 814-849-4181 Fax: 814-849-7166</p>	<p>The Honorable Jeffrey P. Pyle Pennsylvania House of Representatives House Post Office Box 202060 Harrisburg, PA 17120-2060 Tel: 717-783-5327 Fax: 717-260-6511</p>
<p>Duane Feagley (Alternate) PA Anthracite Council PO Box 138 Pottsville, PA 17901 Tel: 717-737-9825</p>	<p>The Honorable Pamela Snyder PA House of Representatives 112 Irvis Office Building PO Box 202050 Harrisburg, PA 17120-2050 Tel: 717-783-3797 Fax: 717-772-3605</p>
<p>Rachel Gleason (Alternate) Pennsylvania Coal Alliance 212 North Third Street Suite 102 Harrisburg, PA 17101 Tel: 717-233-7900, ext. 24</p>	<p>The Honorable Patrick J. Stefano Senate of Pennsylvania 183 Main Capitol Senate Box 203032 Harrisburg, PA 17120-3032 Tel: 717-787-7175</p>
<p>Darrel K. Lewis (Alternate) State Industries, Inc. P.O. Box 1022 Kittanning, PA 16201 Tel: 724-548-8101</p>	<p>The Honorable John Yudichak Senate of Pennsylvania 458 Main Capitol Senate Box 203014 Harrisburg, PA 17120-3014 Tel: 717-787-7105 Fax: 717-783-4141</p>
<p>David D. Osikowicz Original Fuels, Inc. P.O. Box 343 Punxsutawney, PA 15767 Tel: 814-938-5171 Fax: 814-938-5008</p>	