

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (MRAB)
October 24, 2024

VOTING MEMBERS OR ALTERNATES PRESENT:

David Osikowicz (Original Fuels, Inc – Member)
Robert Burns (Burns Coal Company, Inc. – Member)
Henry Zielinski (Northampton Generating Co., LP – Member)
John St. Clair (Rosebud Mining Co./Citizens Advisory Council (CAC) – Member)
C. Jason Foster (Fayette County Conservation District/CAC - Member)
Duane Feagley (PA Anthracite Council (PAC)-- 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))
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Laura Mensch (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP - Mining Programs/Board Liaison)
Alexandra Eberly (DEP -- Mining Programs)
Rachel Colyer (DEP – Mining Programs)
Randy Shustack (DEP – Bureau of District Mining Operations (BDMO))
High Garst (DEP – Policy Office)
Richard Marcil (DEP – Regulatory Council)
Jeffery I civic (PA Senate -- Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. by Chair David Osikowicz. Dr. Snowden conducted a roll call to determine a quorum, and those present in the room introduced themselves.

APPROVAL OF MINUTES

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

PUBLIC COMMENT

There was no request to make any public comment.

CORRESPONDENCE

Dr. Snowden reported that the Board confirmation letters have been sent and, that John St. Clair, Robert Hughes Senator Pat Stefano had submitted their confirmation letters to BMP.

COMMITTEE REPORTS

There were no Committee Reports presented at this meeting.

DELIVERABLES

No deliverables were reported for this meeting.

PRESENTATIONS

Coal Mining Program Updates

Laura Mensch and Sharon Hill provided the Board with the customary status reports involving financial summaries, revenues, permitting and technical items:

- Post-Mining Discharge Operations and Maintenance (O&M) Bonds: not much change from last quarter was noted.
- Trust Agreements were reviewed – no changes from the previous quarter were noted.
- Land Reclamation Financial Guarantees (LRFG) – there are now four cases at the maximum level of \$3 million: 1) RES; 2) Reading Anthracite; 3) Blaschak; and 4) Junior Coal. The Board inquired as to whether the LRFG would be changed to account for bond rate increases; this inquiry prompted a request from the Board for a meeting of its Reclamation Committee – arrangements for such a meeting will be pursued.
- Reclamation Fee Operation and Maintenance (O&M) Account - Ms. Mensch noted a negative number for August under coal civil penalties, due to a \$33,000 check one of the DMOs received in July 2024, which was reversed in August 2024.
- Actual Expenditures were noted as just over \$100,000 during this fiscal year, from June 30 or July 1.
- Clean Water Fund (CWF) and the PA Surface Mining Conservation and Reclamation Act (PA SMCRA) Fund revenues were also reviewed.
- Permit applications were reviewed by Ms. Hill, who shared the in/out and in-process tables. She noted that the updated information was provided at this meeting, a new version showing numbers to October 1.
- Regulatory and Non-Regulatory Agenda update was provided by Ms. Hill, including information that there are no pending regulations. She noted that the rescission of three Technical Guidance Documents (TGDs) will occur on November 2 for: 1) Permit Transfers; 2) Fixing Water Samples; and 3) Completeness Review - Coal Surface Mines.

- Ms. Hill also wanted to remind all parties that the submission of forms and applications via public upload (digitally), helps to avoid delays and is easier than mailing.
- Ms. Hill informed the Board that Gregory Greenfield is now the Director of the Bureau of Mining Programs (BMP).
- Ms. Hill also shared updates about the transition of the DEP website to a new web platform, which should launch in mid-December. Updates to the website will be limited during this process, but we will be working on making sure the links are not broken.
- Ms. Hill mentioned the Reducing Industrial Emissions in Pennsylvania (RISE PA) Initiative, a \$396 million statewide industrial decarbonization grant program, funded through the U.S. Environmental Protection Agency's (US EPA) Climate Pollution Reduction Grants, under the Inflation Reduction Act of 2022. The purpose of this program is to offer grants for small-, medium-, and large-scale decarbonization projects at industrial facilities to reduce greenhouse gas (GHG) and co-pollutant emissions. RISE PA is focused on reducing emissions from Pennsylvania's industrial sector.
- Ms. Hill also informed the board that the Streamlining Permits for Economic Expansion and Development (SPEED) Initiative is now open for bids from consultants to become DEP-approved qualified contractors who can submit and review permit applications for Air Quality, Earth Disturbance, Dam Safety, and Individual Water Obstruction and Encroachment. Mining permits are not included in this program.

Draft Reclamation Fee Report (2024)

Gregory Greenfield presented the information to the Board. Public comment period ends November 4, 2024; so far, there have been no comments. January 1, 2025 is the effective date. Mr. Greenfield indicated that the decision was made to not carry the \$100 reclamation fee for 2025, because the projected revenue and expenditures would not place the O&M account below the \$3 million threshold. So, the earliest a reclamation fee would be instituted again would be January 1 of 2026 if the need is warranted.

The Board asked if this fee would ever be eliminated, but Mr. Greenfield indicated that the decision would be on a year-to-year basis and, that there was no guarantee that it would not need to be brought back.

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 124 projects completed, reclaiming 365 acres, at a cost of \$32.4 million. To date in 2024, there have been 83 projects completed, reclaiming 33 acres, at a cost of just over \$2.8 million.
- Projects Currently in Construction: 31 projects totaling 850 acres for a cost over \$102 million.

- Projects Currently in Design: There are 122 projects to reclaim 3,000 acres, at a cost of just over \$513 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 \$244.7 million for the BIL grant and, applied the Stream Act set-aside protocol with \$73.4 million as well. The 2024 amount received was \$245 million, and the Stream Act is right around \$73 million. The announcement on the 2024 BIL should be made soon.
- Emergency projects: There have been a total of 70 emergency projects, addressed at a cost of over \$1.1 million, and this is on track to be about average, as there are typically about 80 emergency projects per year. There are three non-emergency construction contracts currently advertised at a cost of close to \$700,000 combined.
- Abandoned Mine Lands (AML)/AMD Subaward Program: For the combined funding sources for AML/AMD grant program, also known as our subaward program: a single round in 2022 and three rounds in 2023 resulted in 46 grants being recommended for award at a total of \$153 million. So far in 2024, round 1 reviewed ten applicants, a recommendation announcement is imminent. From round 2, seventeen applications are being reviewed. Round 3 is open until November 8th.
- DES-22 Request for Proposals (RFPs): There are now 30 executed agreements, totaling \$6.6 million.
- Staffing To date, BAMR has filled 61 of 71 vacant positions.

Updates from the District Mining Offices

Randy Shustack noted that they are continuing to look hard at the backlog within the District offices. He feels the best way to proceed is to combine resources. Within the next two weeks, the permitting staffs from Cambria and New Stanton will be combined into one. Shawn McMullen, the permits tech chief in Cambria, will oversee the staffs in both offices to address the existing backlog. Mr. Shustack indicated that the next step would be looking into combining Knox and Moshannon technical staffs, based on how Cambria and New Stanton arrangement is working. This would leave California, which is specialized, dealing with underground bituminous.

NEW BUSINESS

The MRAB Annual Report was approved unanimously, without objection or comment.

The Board discussed upcoming meetings for the 2025 calendar year and requested a list of the meeting dates proposed. Dr. Snowden stated that he would share the proposed 2025 calendar year meeting dates with the Board.

ADJOURNMENT

The Board adjourned its meeting at approximately 10:43 a.m.

NEXT MEETING

The Board will meet again at 10:00 a.m. on Thursday, January 23, 2025, in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.