

PENNSYLVANIA MINING PROFESSIONALS (PMP)

1st QUARTER MEETING

MARCH 13, 2024

10:00 AM – 12:45 PM

RAMADA INN

1395 WAYNE AVENUE

INDIANA, PA 15701

Attendees in Person

Jordan Rodgers, EIT, President of PMP (Engineer, Snyder Associated Companies)

Stacey Hanson, PG, Vice-President of PMP (Project Manager, Apex Companies)

David “Ben Gardner, PE, Treasurer of PMP (VP Engineering, Corsa Coal)

David Lindahl, PG (Fike & Associates)

Darrel K. Lewis, PE (Retired)

Jack Chamberlin, PLS (Principal, Chamberlin Surveying)

Pat Replogle (Manager, Mountain Research LLC)

Kenneth L. King, PG (Engineering Manager, Snyder Associated Companies)

Ron Doumont (Assistant Vice-President, Penn E&R)

Michael Jones, PG (Retired)

Terry Schmidt, PE (Vice-President of Engineering, EarthRes)

Tim Danehy (Owner, BioMost, Inc.)

Jeff Polenik (Manager, Robindale Energy)

Guy Livingston, PG (Executive Vice-President, Mountain Research LLC)

John Kusala (Retired)

Nathan Garlitz, PE, PG (Project Manager, Young & Associates)

Josh James, P.E. (Vice-President, Young & Associates)

Alycia Shaffer (Apex Companies)

Attendees Virtual

Kayla Kabina, Secretary of PMP (CAD Technician, Musser Engineering)

John St. Clair, PG (Permit Manager, Rosebud Mining Company)

Charles Walton, PG

Joan Hawk, P.G. (Retired)

Mike Gardner, PG (GeoTech Engineering)

Mike Barilar, PG (Manager, GeoTech Engineering)

Kyle Griffith, P.G. (R.A.R. Engineering)

Mark Klonicke, P.G. (Corsa Coal)

Meeting Agenda

See attached agenda.

Business Meeting (10:03am – 10:06am)

The meeting was called to order by PMP President Jordan Rodgers at 10:03 am. The minutes from the December 6, 2023 PMP meeting were properly moved, seconded, and unanimously approved. Treasurer Ben Gardner presented the Treasurer's Report. He mentioned the PNC bank account is ready for usage. The old account will be closed out. The Treasurer's report was then properly moved, seconded, and unanimously approved. See attached Treasurer's Report dated March 13, 2024.

Technical Forum (10:06am – 10:15am)

PCA:

Rachel Gleason of PCA presented her notes early due to upcoming commitment that morning:

- Gov. Shapiro has been pushing clean energy sources which will affect Keystone and Conemaugh power plants negatively along with natural gas sources. (RGGI based).
- Bond rate guidelines for coal will be published in PA Bulletin on March 16, 2024 – OSM has raised concerns on how frequently the DEP updates bonds on permits – may mean bonding could be reviewed annually.
- Act 54 report should be available in next few months – it is due every four years documenting the previous five years of mine subsidence impacts.
- EPA rolled out Power Plan 2.0 last year and PCA and others submitted comments – plan originally included natural gas and coal – Existing natural gas has been removed and now only includes new natural gas and coal. If power plant commits to retire by 2032, they do not have to comply. If they commit to retire by 2035, they run at 20% capacity. If they commit by 2040, they are required to install carbon capture and have 40% natural gas cofiring. Significant court action is projected.
- Senate Bill 115 is slated for the House voting schedule on Tuesday– Revision to the Bituminous Coal Mine Safety Act – 100-hour oil change requirement
- SMCRA fund – Wolfe removed \$4 million from fund and it was returned and was again removed for the general fund. It was returned a second time in December 2023.
- PCA commissioned an Economic Impact Report of coal industry – first since 2018 – should be complete in coming months.

Business Meeting (continued)(10:15am – 10:21am)

- **Future Speaker Recommendations** – Jordan stated that for the June meeting Nicole Evanick and Cory from NIOSH will be speaking on research they are doing on underground limestone mining. Jordan also asked for any future speaker ideas to email them to the PMP. Dave Williams may be a possible speaker to present a future historical mining talk.
- **School & Community Outreach** – Nate Garlitz of Young & Associates volunteered to present information to students – looking to start. Jordan stated that the industry needs to do a better job grooming students to pursue careers in the mining industry. Ben

mentioned Corsa has been involved with local parades to present the industry to the public and young people.

- Ben mentioned UPJ is very interested in being connected with the mining industry and looking to hold PMP meeting in Johnston in the near future. Jordan mentioned possible tour of New Paris Quarry in the future and having the September 2024 PMP meeting at UPJ and inviting geology students and possibly present their research at the meeting. Ben mentioned Dave Thomas of the DEP likes to volunteer the DEP as a potential speaker also.

Technical Forum (continued)(10:21am – 11:00am)

PACA: (10:21am-10:25am)

President Jordan Rodgers presented the PACA report. He stated that Josie Gaskey emailed him and Kayla on Monday informing that her replacement has resigned due to a health issue. Josie's retirement date is April 12, 2024.

PM 2.5 Rule – EPA has lowered the standard on fine particulate matter from 12 micrograms/cubic meter to 9 micrograms/cubic meter. NSSGA is reviewing it and believe it will take several years to impact air permits. EPA will first designate non-attainment areas and states will submit implementation plans. Josie stated that it might affect are Allegheny, Cambria, York, Dauphin, and Lancaster Counties and the Philadelphia area. Could make permitting a facility more difficult. This is for environmental justice for communities from sources that may be violating the rule.

Terry Schmidt mentioned MSHA's Powered Haulage Rule. The deadline to have it in place for your company is June unless extended.

Permit Non-Starts: (10:25am-10:31am)

Jordan asked if anyone has had issues with permit non-starts. He stated that AMC and Glacial Sand & Gravel Co. has several older issued permits that were issued prior to the recent "changes" in the DEP's definition of an "active" permit. Chapter 77.128 **Permit terms** was recently revised to eliminate the "three-year" activation/notification to extend the additional two years. This became effective August 23, 2023. There is a ten-year limit (two NPDES cycles) allow prior to activation or the permit will be terminated. The permit termination also applies to coal permits also. Activity is considered to be the extraction of minerals. Some discussion followed concerning building haul road, sedimentation ponds and cutting trees as "activation".

Environmental Justice (EJ) Policy: (10:31am-10:36am)

Terry Schmidt updated from last meeting had a client that had three (3) major project modifications (add surface mining to a prep plant permit, modify reclamation grades for coal ash disposal area, and add mining to a former coal refuse removal). These were submitted to the DEP in late 2022/early 2023. Only one was within an "EJ" area. DEP pulled all three projects into the "EJ" with a date for the hearing in the spring of 2023. DEP set the date on their own without

consulting the mining company/consultant. Many comments came out of the meeting concerning all the projects. In March 2024, a letter stating that the DEP is required to answer all the comments generated during the “EJ” meeting. This delayed the permitting process approximately a year. DEP was concerned about future litigation do this process.

DEP PAYback Program: (10:36am-10:40am)

Stacey Hanson stated that Apex was at a DEP meeting with Troy Williams at the district mining office in California, PA. It is a program, implemented in November 1, 2023, pushed by the Shapiro administration to meet the permit review deadline periods. The operator can request a refund if the review timeframe is exceeded. The “time period” starts when an application is received by the DEP and starts while the application is back in the operator’s hands for revisions/additions. The pre-application process is not included in the time clock. Mr. Williams stated that the number of permit withdrawals and denials could increase. The DEP is looking to receive a “complete” application and if they do not, they may return it. She said the DEP has 100 days to review an application. This may generate longer letters and drawn- out periods for permit review and issuance. This will not affect revisions to existing permits but will affect all new applications and will encourage the pre-application. Some discussion continued.

Penn State – Rare Earth Elements: (10:40am-10:48am)

Ben Gardner stated that the federal government has been funding the rare earth elements science. He listed a couple of the projects being funded. He mentioned the biorecovery of rare earth and AMD metals from plants, recovering the rare earths from mine tailing dams, and flow-back water from Marcellus drilling (lithium). A mapping system called EDX will comprise all of Penn State’s rare earth data from their research in an online data base for the public is coming in the near future. He stated that Barb Arnold, Penn State faculty member, has seen concentrations of rare earth elements around coal seams especially near the Lower Kittanning coal seam. Ben also mentioned Ramaco Resources surface mining a 300-foot thick block for several coal seams and other minerals and volcanic clays in the western United States. They have an adjacent power plant and will be processing the rare earth elements on site. Some discussion followed.

Updated MSHA Silica Ruling: (10:48-10:50am)

Jordan mentioned the updated ruling will be going into effect in April 2024. The limit will be reduced from 100 micrograms to 50 micrograms with will require a more advanced sampling procedure. This will involve more time and monetary investment for the industry. Some groups have filled comments as to how it will adversely affect them also.

EPA Sackett Case – WOTUS Memos: (10:50am-10:57am)

Jordan presented that the EPA published two memos; one on streams and one on wetlands. An important new term will be “Relative permanence”. One memo mentioned that there were two wetlands separated by a road culvert as per the applicant and the draft jurisdictional determination said they were connected. The new preamble would also connect these two wetlands. As for the streams memo, the stream was determined not to be jurisdictional due to the fact the entire length of the stream was not “relatively permanent”. NSSGA had made comments on these memos. Ken King mentioned a recent case for Allegheny Mineral

Corporation on a wetland and outlet that was determined to be connected due to the presence of a potential water path and the length of it in relation to the rest of the stream where the water path entered the intermittent stream many feet below. It was determined after two field visits that the wetland was still jurisdictional. As per our discussions with the USACOE, documentation of flow data is extremely important to help with the determination. Some discussion continued.

DEP Personnel Changes: (10:57am-10:59am)

Jim Edwards, tech chief at the New Stanton DEP District Mining office has moved on.
Roger Bowman, tech chief at the Knox DEP District Mining office will be retiring on April 5, 2024.
Jordan will be inviting the DEP to at least two PMP meetings per year.

Member Items: (10:59am-11:00am)

Kayla mentioned the PMP directory and it will be placed on the website when complete. Any member that wishes to add their email, please contact Kayla or Jordan.

Break (11:00am – 11:10am)

Technical Presentation (11:10am -12:44pm)

Timothy Danehy of BioMost, Inc. presented a talk on “Passive Treatment: Regulations, Design, and NPDES Compliance”.

Adjournment:

It was then properly moved and seconded to adjourn the meeting. That motion was unanimously approved, and Ben Gardner adjourned the meeting at 12:45pm.

These minutes were recorded and prepared by:

Kenneth L. King for
Kayla Kabina, Secretary

NOTE: 2.25 PDHs are awarded for this meeting.