

**MINUTES**  
**AGGREGATE ADVISORY BOARD (BOARD) MEETING**  
**May 31, 2017**  
**Rachel Carson State Office Building**  
**14<sup>th</sup> Floor Conference Room, 400 Market St**  
**Harrisburg, PA 17105**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (DEP – Deputy Secretary – Active and Abandoned Mine Operations – Alternate Chairperson)  
Rep. Bryan Barbin (PA House of Representatives – Member) (via conference call)  
D. Michael Hawbaker (Glenn O. Hawbaker and Associates – Alternate)  
Paul Detwiler, III (New Enterprise Stone and Lime Co., Inc. - Alternate)  
Tom Bryan (Bryan Materials – Member)  
Lee Ann Murray (Citizens Advisory Council – Member)  
Rep. Ryan Mackenzie (PA House of Representatives – Board Member) (via conference call)  
Joanne Manganello (PA Senate – Alternate)  
William Ruark (Meshoppen Stone, Inc. – Member)  
Todd Schmidt (PA Bluestone Association – Alternate)  
Thaddeus Stevens (Citizens Advisory Council – Member)  
Mark Snyder (Pennsy Supply, Inc. - Board Member)  
Peter Vlahos (PA Aggregates and Concrete Association – Alternate)

**OTHER ATTENDEES:**

Jonathan Lutz (PA House – Alternate)  
Bill Allen (DEP – Mining Programs)  
Katie Hetherington Cunfer (Citizens Advisory Council, Executive Director – Alternate)  
Abbey Cadden (DEP – Policy Office)  
Tom Callaghan (DEP – Mining Programs, Director)  
Bruce Carl (DEP – Mining Programs)  
Josie Gaskey (PA Aggregates and Concrete Association)  
Sharon Hill (DEP – Mining Programs)  
Darrel K. Lewis (Allegheny Minerals Corporation)  
Eric Oliver (DEP – Mining Programs)  
William Plassio (DEP – District Mining, Director)  
Paul Pocavich (DEP – Mining Programs)  
Jennifer Gulden (DEP – Mining Programs)  
Daniel E. Snowden, D.Ed. (DEP – Mining Programs, Board Liaison)

**CALL TO ORDER/INTRODUCTIONS**

Mr. Stefanko called the meeting to order at approximately 10:00 a.m. Board members and DEP personnel introduced themselves.

## **PA AGGREGATES AND CONCRETE ASSOCIATION ANTI-TRUST STATEMENT**

The Antitrust Statement was read to the Board.

### **APPROVAL OF MINUTES**

The minutes from the February 1 meeting incorrectly listed Mr. Hawbaker opening the meeting and reading the anti-trust act. The correct person was Mr. Bryan, who was omitted from the attendance list. The minutes were approved pending the corrections.

### **CORRESPONDENCE**

The 2015 Aggregate Advisory Board Annual Report was distributed to the General Assembly. Paper copies of distributed reports will be made available in subsequent meetings and through email requests to the Board Liaison.

### **COMMITTEE REPORTS:**

Mr. Snyder reported that the Board's RLT committee met on May 5. Items from the regulatory framework document were discussed. He advised the creation of additional workgroups within the RLT committee to address more complex topics starting with karst geology. The work groups would operate outside the constraints of the committee's meetings.

The Citizens Advisory Council is aware of the karst issue and hopes to include it as an agenda item for the fall meeting.

The date for the next RLT meeting will be announced once scheduled.

There were concerns regarding the Standard Operating Procedure (SOP) for Reclaimed Asphalt Pavement (RAP), along with other SOPs, in terms of whether these served as regulations. It was determined that a distinction was needed to show that SOPs are not regulations.

### **PRESENTATIONS**

#### **Secretary McDonnell**

Secretary McDonnell spoke with the Board to introduce himself and thanked the Board for its expertise and involvement in DEP processes. He reported that DEP is working on various initiatives including e-permitting, e-inspection, updating document management, continuing staff training, and listening sessions with the public.

#### **Bureau of Mining Programs Updates**

Mr. Allen provided updates to the Board regarding the non-coal mining program:

- Standard Operating Procedures (SOPs): The Board expressed interest in the SOPs used by the District Mining Offices (DMOs). SOPs are internally generated documents created as needed to ensure that each DMO is applying standard behaviors to issues arising while processing. SOPs are available online. DEP staff are working on making it easier for industry and the public to access the most recent information. The BMP will add SOP updates to the information provided to the Board by Mr. Allen.
- Regulatory Agenda: The items below are in the process of finalization:
  - Handling and Use of Explosives Regulations (25 PA Code, Chapters 210 and 211). This is under internal review with a finalization date possible in the fall.
  - Non-Coal Fees Regulatory Package (25 PA Code, Chapter 77). The Bureau of Mining Programs is working with the Policy Office to enter this package in the October Environmental Quality Board meeting.
- National Pollutant Discharge Elimination System (NPDES) Permitting: The items mentioned here included the following:
  - Draft non-coal permits sent to EPA and their varied statuses (i.e., approvals, comments).
  - The Reporting Rule, as finalized last year, requires the submission of a summary to the Federal database. The current system has been unable to meet this requirement and several reporting deadlines have been missed. Measures are underway to improve the system to the set standards and to ensure compliance.
- Clean Water Fund (CWF) Non-Coal Mining Fee Revenues: The CWF revenue for both coal and non-coal operations ranged between \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016) with \$286,680.00 collected for FY 2016-2017 through April.
- Overview of Non-Coal Facilities: Information was at the Board's request regarding breakdown of operating non-coal facilities in Pennsylvania between March 2016 and April 2017. Details for small operators (both < 2,000 tons/year and <10,000 tons/year), large operators, GP-105 operators, GP-103 operators, and underground operators were included.
- Overview of Non-Coal Applications: Information on the types of non-coal applications received for the years 2012 through 2017 was shared with the Board. The types of non-coal applications included were licenses (new and renewals), large operators, small operators, NPDES, and pre-applications.
- Non-Coal Surface Mining, Conservation and Reclamation Act (NSMCRA) Fund Obligations: Information was provided for the following NSMCRA fund obligations:

- Cash Collateral: \$2,053,986.50 (as of April 2017).
- PILB Underwritten: \$3,700,638.60 (includes monetary releases from other fund mechanisms, as of April 2017)
- Bond Forfeiture Reclamation: Over \$4.3 million (estimate of forfeitures and the costs to reclaim mined areas, in addition to the bond amounts).
- NSMCRA Fund Balance (as of September 30, 2016):
  - General Operations: \$6,294,823.87
  - Collateral: \$2,096,977.30
  - Restricted Bond: \$844,351.52
- Non-Coal Program Bond Forfeitures: For the years 2010 through 2017, the numbers of small and large non-coal operators that forfeited bonds ranged from a low of one in 2011 to a high of 37 in 2015 (34 small and 3 large operators).
- Miscellaneous: Mr. Allen concluded his presentation with spreadsheets including information on Historical Authorizations, the Permit Decision Guarantee Annual Breakdown, and revenue and expenditure spreadsheets for the Non-Coal SMCRA Fund.

The Board requested an updated list of forfeitures for the Noncoal Program for inclusion in future meetings. Mr. Oliver will use GIS to compose a forfeiture map which will be included once available.

### **Non-Coal Bond Rate Guidelines**

Mr. Carl provided updates regarding the Non-Coal Bond Rate Guidelines. Currently, there are five reclamation projects for the current year which is not enough data to determine trends for the upcoming period.

### **NEW BUSINESS**

#### **2017 Aggregate Advisory Board Field Trip**

Mr. Bryan offered the Board a tour of Beaver Concrete and Supply following the meeting on August 2, 2017. The facility is a working onboard processing river dredge producing over one million tons per year of aggregate materials. Email reservations for the trip should be made a few weeks ahead.

The Board requested additional information from Mark Hartle regarding the presentations given on the February 1 meeting. Questions were raised to Mr. Hartle regarding Stream Degradation, slide 6 of his presentation. The Board did not receive information from Mr. Hartle regarding this, but will reach out for the subsequent meeting.

The Board recommended the addition of action items to the meeting minutes. For this meeting, action items are as follows:

- Generation of an action items list as part of the meeting minutes.
- Provide periodic updates to the Board on SOPs in the Mining Program.
- Share Environmental Quality Board postings of updated non-coal fee regulations with the Board.
- Send reminders to the Board regarding the August 2, 2017 field trip (which follows the Board meeting on that same date).

#### **ADJOURNMENT/NEXT MEETING**

Mr. Stefanko adjourned the meeting at approximately 11:45 a.m. The Board will meet again on August 2, 2017, 10:00 a.m. at the Hampton Inn, 202 Fairview Drive, Monaca PA 15061.