

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Thursday December 14, 2017**  
**Rachel Carson State Office Building**  
**14<sup>th</sup> Floor Conference Room**  
**400 Market St, Rm. 105**  
**Harrisburg, PA 17101**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (DEP – AAMO; Alternate/Chair)  
Mark Snyder (Member)  
Patty Tamayo (Alternate)  
Joanne Manganello (Alternate)  
Leda Lipton (Alternate)  
Thad Stevens (Member)(via Web-ex)  
Peter Vlahos (Alternate)

**OTHER ATTENDEES:**

Bill Allen (DEP- BMP)  
Tom Callaghan (DEP - BMP)  
Alexandra Chiaruttini (DEP – Chief Counsel)  
Joe Iole (DEP – Legal)  
Bruce Carl (DEP – BMP)  
Eric Oliver (DEP – BMP)  
Jennifer Gulden (DEP - BMP)  
Sharon Hill (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Christopher Whiteash (DEP - BMP)  
Daniel E. Snowden (DEP - BMP/Liaison)  
Bill Plassio (DEP – Director, District Mining Operations)  
Mark Benson (DEP – DMO)  
Michael Menghini (DEP - DMO)  
Sam Faith (DEP - DMO)  
Dan Sammarco (DEP - DMO)  
Nate Houtz (DEP - DMO)  
Joe Leone (DEP - DMO)

**CALL TO ORDER/INTRODUCTIONS**

The meeting was called to order at approximately 10:00 a.m. Board members introduced themselves, as did all DEP personnel and other guests in the audience.

**PACA ANTI-TRUST STATEMENT**

The Board reaffirmed its adherence to PACA’s anti-trust statement, both in letter and spirit. This requirement extends to industry members and alternates on the Board.

**APPROVAL OF MINUTES**

The minutes from the August 8, 2017 meeting in the “New Business” section will be amended as: *“The Board expressed continuing interested in the content of Standard Operating Procedures (SOPs), as discussed by Sharon Hill in the May 31, 2017 meeting,*

*with the understanding that SOPs are not to be used as policy-making documents.”* The Board voted to approve the minutes pending the revision.

### **CORRESPONDENCE**

The Board was provided with a list of permitted sites determined to be areas underlain by carbonate bedrock. The Board will be provided with a list of missing townships which were not included on the document.

The PA Fish and Boat Commission (PFBC) informed the Board that industry members who would like to partner with the PFBC are welcome to do so.

### **COMMITTEE REPORTS:**

The Board’s Regulatory, Legislative and Technical (RLT) Committee has not met since the last update.

### **BUREAU OF MINING PROGRAMS UPDATES**

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Several technical guidance documents are moving forward towards completion. The Completion Report and Direct Submittal of Bonds documents are both heading towards the finalization stage. The Engineering Manual and the Blaster’s Manual are both in legal review.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives are scheduled to be brought to the February meeting of the Environmental Quality Board (EQB).

The Fee Update has been approved by the EQB, and has been submitted to the Attorney General’s office for review. A publication in the PA Bulletin is possible in early 2018.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
  - As of June 30, 807 Draft Permits (fifty-two of which were non-coal) NPDES permits were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 390 of these permits, 10 of which were non-coal. There have been no comments since the last report.
  - Whole Effluent Toxicity Testing (WETT): DEP is continuing to incorporate comments received for the informal list of testing protocols.
  - Between FY 2012-2013 and FY 2016-2017 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$121,350.00 collected so far for FY 2017-2018, as of October.
- **Program Overview (Facilities and Applications):**
  - Between March 2016 and November 2017, the numbers of inspectable units fell slightly for small facilities (both < 2,000 tons/year and < 10,000 tons/year) and

large facilities. GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.

- Between 2012 and 2017 (to date), the ranges for various application types included the following:
  - Licenses: between 1,278 (2012) and 1,159 (2014), with 1007 so far for 2017.
  - Large Facilities (New): between 25 (2012) and 4 (2014), with 8 so far for 2017.
  - Small Facilities (New): between 51 (2016) and 25 (2013), with 39 so far for 2017.
  - NPDES (New): between 17 (2012) and 11 (2013), with 28 so far for 2017.
  - NPDES (Renewal): between 88 (2016) and 50 (2014), with 68 so far for 2017.
  - Pre-Applications: between (15) 2013) and 2 (2016), with 3 so far for 2017.
- **Non-Coal Surface Mining Conservation and Reclamation (NCSMCRA) Fund Obligations:**
  - As of October 31, 2017, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.7 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - The NCSMCRA fiscal report showed about \$4.4 million in general operations monies, with about \$2.1 million in collateral and over \$852,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures:**
  - Between 2010 and 2017, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013, and 2017) to a high of 3 (2015).
  - Between 2010 and 2017, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

### **Chief Counsel Alexandra Chiaruttini – Robinson Township Decision**

The Chief Counsel discussed the recent State Supreme Court decision (PA Environmental Defense Fund v. Commonwealth of PA) and its potential effects on both the mining industry and, DEP as a whole.

### **NEW BUSINESS**

- **General Permit for Reclamation of Forfeited Non-Coal Mines – GP-106**

In the August meeting, the Board recommended the draft be more thoroughly reviewed by the RLT committee. The RLT committee has not yet met to discuss this permit.
- **District Mining Offices Staff Updates**

Mr. Plassio reported that of 14 vacancies within the district mining offices, 9 were in the process of being filled.

- **Meetings Dates for 2018**

The Board set meeting dates for the 2018 year. The Board will meet on February 8, 2018, May 9, 2018, August 8, 2018, and November 7, 2018.

**ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 11:30 a.m. The Board will meet again on February 8, 2018 in the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.