

AGGREGATE ADVISORY BOARD (BOARD)

Wednesday, May 1, 2019

Rachel Carson State Office Building

400 Market St, Room 105

Harrisburg, PA 17101

VOTING MEMBERS OR ALTERNATES PRESENT:

John Stefanko (Active and Abandoned Mine Operations (AAMO) – Alternate)
Paul Detwiler, III (Member)
Peter Vlahos (Alternate)
Ronald Kurpiel (Alternate)
Leda Lacomba (Alternate)
Keith Salador (Citizens Advisory Council (CAC) - Alternate)
William Fink (Member, via Skype)
R. Timothy Weston (Member – CAC, via Skype)
Rep. Ryan Mackenzie (Member - PA House, via Skype)
William Ruark (Member, via Skype)
Thaddeus Stevens (Member, via Skype)

OTHER ATTENDEES:

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Paul Pocavich (DEP – BMP)
Greg Greenfield (DEP – BMP)
Sharon Hill (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Roland Gensel (DEP – AAMO)
Amy Berrios (DEP – AAMO)
Joseph Iole (DEP – Legal, via Skype)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

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 February 6, 2019 meeting were approved.

CORRESPONDENCE

The Board received no correspondence.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee met on April 24, 2019. The Committee continued to discuss issues related to karst and Chapter 77. Additionally, the GP-106 permit is open for public comment until May 13, 2019.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Non-Regulatory Agenda:**

Several technical guidance documents are moving towards completion. A new document, Pond Certification, is currently under development, and the Board will be updated as new information becomes available.

- **Regulatory Agenda:**

The Noncoal Fees Rulemaking package was brought to the Environmental Quality Board (EQB) in December, and the Independent Regulatory Review Commission (IRRC) in March. The document is undergoing legislative review prior to its final publication and will be effective as of early 2020. The karst and Chapter 77 issues were addressed in detail in the previous RLT Committee meeting.

- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**

There continues to be an increase in the number of E-DMR registrations. The BMP continues to encourage operators to utilize the e-permitting tools available, and additional developments for the e-permitting process are under consideration.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**

- As of March 31, 932 Draft NPDES Permits (57 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 407 of these permits, 10 of which were non-coal. There have been no comments since the last report.
- Between Fiscal Year (FY) 2013-2014 and FY 2018-2019 (to date), Clean Water Fund mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a

high of \$646,950.00 (FY 2015-2016), with an amount of \$329,721.00 collected so far for FY 2018-2019.

- **Program Overview (Facilities and Applications):**

- Between March 2016 and March 2019, the numbers of inspectable units fell slightly for small facilities (two categories: < 2,000 tons/year and, < 10,000 tons/year) and large facilities (> 10,000 tons/year). GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
- Between 2014 and 2019, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 1,098 (2018), with 307 for 2019.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 1 for 2019.
 - Small Facilities (New): between 51 (2016) and 32 (2018), with 6 for 2019.
 - NPDES (New): between 33 (2018) and 13 (2016), with 10 for 2019.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 9 for 2019.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 3 for 2019.

- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**

- As of the latest report, there is over \$2.4 million in cash collateral, \$2.8 million in payments in lieu of bonds and, over \$4.3 million in bond fund reclamation monies.
- The NCSMCRA fiscal report showed about \$3.4 million in general operations monies, with about \$2.3 million in collateral and, over \$883,000.00 in restricted bond monies.

- **Bonding and Bond Forfeitures:**

- Between 2013 and 2019, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015).
- Between 2013 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2017) to a high of 34 (2015).

- **Revenues and Expenditures:**

The Board was provided with revenue and expenditures associated with the Noncoal Surface Mining & Reclamation Fund from FY 2014-2018. The Board requested further in-depth information on expenditures, which the BMP will compile for review.

UPDATE FROM DISTRICT MINING OFFICES

Mr. Sammarco provided the Board with updates from the District Mining Offices (DMOs). Many vacant positions continue to be filled, including key managerial positions. The DMOs are continuing to address NPDES and bonding issues.

NEW BUSINESS

The Board confirmed that the next meeting would include a same-day field trip to a Bluestone mining operation managed by Meshoppen Stone. Skype will be supported at the meeting location for interested parties.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:30 p.m. The Board will meet again on August 7, 2019 at 10:00 a.m., at the Stone Hedge Golf Club, 55 Stone Hedge Drive, Tunkhannock, PA 18657. A field trip to a Meshoppen Stone facility will occur after the meeting.