

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, February 6, 2019
Rachel Carson State Office Building
400 Market St, Room 105
Harrisburg, PA 17101

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (Member)
Peter Vlahos (Alternate)
Nick Troutman (Alternate)
William Ruark (Member)
R. Timothy Weston (Member – Citizens Advisory Council (CAC))
Rep. Ryan Mackenzie (PA House, via Web-ex)
Ronald Kurpiel (Alternate)

OTHER ATTENDEES:

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Eric Oliver (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Joseph Iole (DEP – Legal)
Sharon Hill (DEP – BMP)
Dan Sammarco (DEP – District Mining Office)
Edward Schick (DEP – Policy Office (Intern))
Eric Schulden (DEP – Policy Office (Intern))
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:10 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 November 11, 2018 meeting were approved without changes.

CORRESPONDENCE

The Board received no correspondence.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee met on January 24, 2019. The Committee continued to discuss issues related to karst and Chapter 77. Changes to the karst document are in the finalization stages, and the DEP will provide the Committee with information as it becomes available.

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Several technical guidance documents are moving towards completion.
- **Regulatory Agenda:**

The Fee Regulation has been adopted by the Environmental Quality Board (EQB). DEP will continue to advance the regulation with the Independent Regulatory Review Commission (IRRC). The DEP has also received comments on Chapter 77 regulations and will redraft these, based on the recommendations from Committee meetings. Information will be sent to the RLT Committee once meetings resume.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
 - As of December 31, 2018, 914 Draft NPDES Permits (56 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) 2013-14 and FY 2018-19 (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 \$234,950.00 collected so far for FY 2018-2019, as of December.
- **Program Overview (Facilities and Applications):**
 - Between March 2016 and January 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 2013 and 2018, the ranges for various application types included the following:
 - Licenses: between 1,252 (2013) and 1,135 (2017), with 1098 for 2018.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 9 for 2018.
 - Small Facilities (New): between 51 (2016) and 25 (2013), with 32 for 2018.
 - NPDES (New): between 32 (2017) and 11 (2013), with 33 for 2018.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 84 for 2018.
 - Pre-Applications: between (15) 2013) and 2 (2016), with 3 for 2018.

- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, the NCSMCRA fund obligations include over \$2.3 million in cash collateral, \$3.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$3.8 million in general operations monies, with about \$2.1 million in collateral and over \$870,000.00 in restricted bond monies.

- **Bonding and Bond Forfeitures:**
 - Between 2011 and 2018, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015).
 - Between 2011 and 2018, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

UPDATE FROM DISTRICT MINING OFFICES

Mr. Sammarco provided the Board with updates from the District Mining Offices (DMOs). Many of the 26 vacant positions continue to be filled, including key managerial positions. The DMOs have also sent out nearly 350 letters addressing GP-104 and bonding issues.

NEW BUSINESS

There was no new business.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:30 p.m. The Board will meet again on May 1, 2019 in Room 105 of the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.