

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

VOTING MEMBERS OR ALTERNATES PRESENT:

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Nick Troutman (Alternate – PA Senate)
Tim Collins (Alternate – PA Senate)
Ronald Kurpiel (Alternate – Hanson Aggregates)
William Ruark (Member – Meshoppen Stone, Inc.)
Griffin Caruso (Alternate – PA House of Representatives)
Thaddeus Stevens (Member – Citizens Advisory Council (CAC)) (via Skype)
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.) (via Skype)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))

OTHER ATTENDEES:

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Amy Berrios (DEP – AAMO)
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Eric Oliver (DEP – BMP)
Paul Pocavich (DEP – BMP)
Ross McMann (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Kate Cole (DEP – Policy Office)
Laura Edinger (DEP – Policy Office)
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)
Andrew Gutshall (Guest – Hanson Aggregates)
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 August 7, 2019 meeting were approved pending minor changes.

CORRESPONDENCE

Mr. Griffin Caruso was appointed as an alternate for Representative Ryan MacKenzie. The Board also sent out letters thanking the host and participants of the August Field Trip.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee planned to meet directly after the main Board meeting, discussing the Chapter 77 revisions.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Non-Regulatory Agenda:**

There are no current updates to the status of the Engineering Manual and Civil Penalty documents, and both remain with Legal.

- **Regulatory Agenda:**

The Chapter 77 revisions were to be discussed in the RLT meeting immediately after the full Board meeting.

- **Permit Applications:**

GP-104 is currently being modified to make it easier for operators to obtain coverage again after the five-year term of the permit. The revised National Pollutant Discharge Elimination System (NPDES) permit application has been sent to the United States Environmental Protection Agency (US EPA) for comment. GP-106 continues to be under review.

- **Small Noncoal Processing Time and Applications in Process:**

Ms. Hill provided the Board with previously requested information regarding the processing time of applications through the District Mining Offices, as well as a detailed breakdown of the number and types of applications received and processed by the individual offices.

- **NPDES Permitting:**

- As of September 23, 981 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 416 of these permits, 10 of which were non-coal.
- Mr. Carl discussed updates with the following:
 - Checklist: The US EPA no longer requires the Checklist as part of their review process.
 - Monthly calls with the US EPA are continuing.
 - Whole Effluent Toxicity Testing (WETT): The WETT analysis, which is generally not applicable to non-coal operations, has been put on hold, pending funding from the federal Office of Surface Mining (OSM).

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

- Between March 2016 and September 2019, the numbers of inspectable units fell for both small facilities (two categories: < 2,000 tons/year and, < 10,000 tons/year), and large facilities (> 10,000 tons/year). GP-105 Operator permits increased, as well as a slight increase in the number of underground facilities. GP-103 Operator Permits showed no change.
- Between 2014 and 2019, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 1,098 (2018), with 846 for 2019.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2019.
 - Small Facilities (New): between 51 (2016) and 32 (2018), with 27 for 2019.
 - NPDES (New): between 33 (2018) and 13 (2016), with 23 for 2019.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 42 for 2019.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 4 for 2019.

- **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), with 3 for 2019 (1 rescinded).
- Between 2013 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 1 for 2019.

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

Out of 42 e-permit applications, there was 1 new Bituminous Surface Mine Permit, with the rest being Coal Mining Exploration Notices. 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.

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

- As of the latest report, there is over \$2.5 million in cash collateral, \$2.8 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
- The NCSMCRA fiscal report showed about \$2.9 million in general operations monies, with about \$2.5 million in collateral and over \$883,000.00 in restricted bond monies.
- Meeting materials included detailed breakdowns of revenue and expenditure for FY 2014 – FY 2019, and a graph depicting the general trends, as of October 2019.

- **CWF Mining Fee Revenue:**

Between Fiscal Year (FY) 2013-2014 and FY 2019-2020 (to date), Clean Water Fund mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a high of \$646,500.00 (FY 2015-2016), with \$59,000.00 collected so far for FY 2019-2020.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an overview of DMO operations, primarily focused around the vacant positions which continue to be filled.

Meeting Dates for 2020

The Board approved the dates for their quarterly meetings in the upcoming year. The approved dates are: February 5, May 6, August 5, and November 4, 2020. The location for the August field trip will be announced once decided.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:15 a.m. The Board will meet again on February 5, 2020 at 10:00 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.