

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, August 5, 2020
Virtual Meeting (via Skype)

VOTING MEMBERS OR ALTERNATES PRESENT:

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Ronald Kurpiel (Alternate – Hanson Aggregates)
Griffin Caruso (Alternate – PA House of Representatives)
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)
William Ruark (Member – Meshoppen Stone, Inc.)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Nick Troutman (Alternate – PA Senate)
Timothy Collins (Alternate – PA Senate)
Rep. Ryan Mackenzie (Member – PA House of Representatives)
Rep. Mike Carroll (Member – PA House of Representatives)
Thaddeus Stevens (Member – Citizens Advisory Council (CAC))
Timothy Weston (Member – CAC)

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Eric Oliver (DEP – BMP)
Paul Pocavich (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Kate Cole (DEP – Policy Office)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Josie Gaskey (Guest – PACA)
Andrew Gutshall (Guest – Lehigh-Hanson)
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)

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 motion to approve the minutes from the May 6, 2020, meeting was put forward by Mr. Vlahos and minutes were approved without comment.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The RLT Committee had no new business to report.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Small Noncoal Applications Breakdown:**

Ms. Hill provided the Board with detailed information regarding the distribution of applications across the DMOs as of June 2020.

- **Non-Regulatory Agenda:**

The updated Engineering Manual is being prepared for an extended comment period due to its size. The Board's RLT Committee will host a meeting to review the draft Engineering Manual ahead of it being published for public comment.

- **Regulatory Agenda:**

Chapter 77 is currently being routed through the DEP in order to be presented to the Environmental Quality Board (EQB) at a future meeting likely in Quarter 4 of 2020. If approved by the EQB, it will be published in the *Pennsylvania Bulletin* opening a public comment period.

- **Technical Items:**

GP-106 has been finalized, and the Small Noncoal Application was updated and should be completed within a few weeks. BMP is working with the United States Environmental Protection Agency (US EPA) to resolve several issues with the current proposed version of GP-104, which is set to expire in February 2021. The Board will continue to be provided with updates as the revision continues.

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

- As June 2nd, 1,104 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 441 of these permits, 10 of which were non-coal.
- Monthly calls with the US EPA have continued and have mainly focused on the GP-104.

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

- Between March 2016 and June 2020, 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 decreased slightly.
- Between 2015 and 2020, the ranges for various application types included the following:
 - Licenses: Between 1,204 (2015) and 981 (2019), with 480 for 2020.
 - Large Facilities (New): Between 11 (2015) and 4 (2016), with 7 for 2020.
 - Small Facilities (New): Between 51 (2016) and 27 (2019), with 9 for 2020.
 - NPDES (New): Between 33 (2018) and 13 (2016), with 5 for 2020.
 - NPDES (Renewal): Between 88 (2016) and 46 (2019), with 27 for 2020.
 - Pre-Applications: Between 8 (2014) and 2 (2016), with 1 for 2020.
- **Bonding and Bond Forfeitures:**
 - Between 2014 and 2020, the number of bond forfeitures for large operators ranged from a low of 0 (2016, 2018) to a high of 3 (2015), with 0 for 2020.
 - Between 2014 and 2020, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 4 for 2020.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**

BMP has been working with IT to incorporate a Bonding module for the Coal Mining Application, and have also been continuing to develop a module in which BMP staff can create applications directly, rather than contacting IT. BMP is continuing to encourage operators to register and are working with inspectors to promote e-permitting directly. Explosives inspections are now available on the mobile platform, and several inspectors will begin using it in the upcoming weeks.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.6 million in cash collateral, \$2.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMR fiscal report showed about \$1.9 million in general operations monies, with about \$2.6 million in collateral and over \$1 million in restricted bond monies.
- **CWF Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2019-2020 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$646,500.00 (FY 2015-2016), with \$793,642.00 collected so far for FY 2019-2020.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are continuing to telework. Mission critical inspections are still taking place. Vacant positions within the DMOs continue to be filled.

Small Operator Compliance Issue

Mr. Ruark informed the Board about a potential issue in which some small operators are at risk of forfeiting their bonds because of noncompliance. Instead of forcing those operators to post additional bonds or forfeit entirely, the idea was put forward of allowing operators to reclaim adjacent lands in order to remain compliant.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Vlahos and Mr. Weston. After Board approval, the meeting concluded at approximately 11:20 a.m. The next scheduled meeting is to be held via Skype at 10:00 a.m. on November 4, 2020. Anyone wishing to join the meeting may do so remotely.