

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, May 5, 2021
Virtual Meeting (via Skype)

VOTING MEMBERS OR ALTERNATES PRESENT:

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Griffin Caruso (Alternate – PA House of Representatives)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Ryan Mackenzie (Member – PA House of Representatives)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Timothy Weston (Member – Citizens Advisory Council (CAC))
Ronald Kurpiel (Alternate – Hanson Aggregates)

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Paul Pocavich (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Amy Berrios (DEP - AAMO)
Abbey Cadden (DEP – Policy Office)
Gary Walters (DEP – Bureau of Clean Water (BCW))
Thomas Barron (DEP – BCW)
Kristen Schlauderaff (DEP – BCW)
J. Michael Lookenbill (DEP – BCW)
Christopher Minott (DEP – Legal)
Emily Eyster (Guest – PA Senate)
Karina Gonzales (Guest – PA Senate)
David Hess (Guest – PA Environmental News, LLC)
Josie Gaskey (Guest – PACA)
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 February 3, 2021 meeting was put forward by Mr. Weston and seconded by Mr. Vlahos. The motion was passed without objection.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The RLT Committee did not meet since the previous meeting.

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 District Mining Offices (DMOs) for 1st Quarter 2021.

- **Non-Regulatory Agenda:**

The public comment period for the Engineering Manual closed on January 28, 2021. Over 140 comments were received. Because of the number of comments and, the length of the Manual itself, the next draft is expected to take several months.

- **Regulatory Agenda:**

Chapter 77's public comment period closed on May 4, 2021. Four comments were received. The Independent Regulatory Review Commission's (IRRC) review period goes through June 2021.

- **Technical Items:**

The GP-104 revision was issued. A second mailing was needed due to technical issues in the first mailing. A two-week extension was offered to applicants to account for this. The Noise and Not Started Permit Standard Operating Procedures (SOPs) are both in the initial formulation stages. While intended for the DMOs, they will be made public after being completed.

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

- As March 1, 1,168 Draft NPDES Permits (58 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 458 of these permits, 10 of which were non-coal.
- Monthly calls with the US EPA have continued and have mainly discussed data uploads, Electronic Discharge Monitoring Reports (E-DMRs), and data on compliance issues.

- **Program Overview (Facilities and Applications):**
 - Between March 2016 and March 2021, 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.
 - Between 2016 and 2020, the ranges for various application types included the following:
 - Licenses: between 1,189 (2016) and 961 (2020), with 49 for 2021.
 - Large Facilities (New): between 11 (2020) and 4 (2016).
 - Small Facilities (New): between 51 (2016) and 10 (2020), with 4 for 2021.
 - NPDES (New): between 33 (2018) and 11 (2020), with 5 for 2021.
 - NPDES (Renewal): between 88 (2016) and 46 (2019), with 15 for 2021.
 - Pre-Applications: between 7 (2019) and 2 (2016), with 1 for 2021.
- **Bonding and Bond Forfeitures:**
 - Between 2015 and 2021, the number of bond forfeitures for large operators ranged from a low of 0 (2016, 2018) to a high of 3 (1 of which was rescinded) (2015), with 1 for 2021.
 - Between 2015 and 2021, the number of bond forfeitures for small operators ranged from a low of 3 (2019) to a high of 34 (2015), with 2 for 2021.
- **E-Permitting and E-DMRs:**
 - Ninety-two Coal Mining Exploration Notices have been received in system.
 - The Annual Production Report is available via Greenport. There were some initial launch issues, but over 141 reports were received in the new system.
 - Four hundred ninety-six permittees have signed up for the E-DMR system. The US EPA is highly encouraging PA DEP to register users, and PA DEP plans to reach out to operators.
 - The Mobile Inspection site is continuing development. A dashboard for inspector supervisors to review inspection reports as they arrive has been developed. The DEP is continuing work on a sandbox module for staff to create their own applications.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.8 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 \$1.98 million in general operations monies, with about \$2.6 million in collateral and over \$1 million in restricted bond monies.

- **Clean Water Fund (CWF) Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2020-2021 (as of March 30, 2021), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$794,124.00 (FY 2019-2020), with \$267,355.00 collected so far for FY 2020-2021.

NEW BUSINESS

Manganese Water Quality Standards

Ms. Schlauderaff provided the Board with a presentation from the Bureau of Clean Water (BCW) regarding the proposed updates affecting Manganese. These changes affect Chapters 93 and 96. BCW is continuing to process received public comments received after the *PA Bulletin* comment period but is also requesting information from industry members. Details on both the changes and the requested information are available on the presentation, included in the meeting materials.

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are scheduled to telework until at least June 30, 2021, but operations have essentially returned to normal through telework alone. Vacant positions within the DMOs continue to be filled.

2021 Field Trip

The Board decided to not hold a field trip in 2021, based on the uncertainties of the ongoing pandemic. The next field trip for the Board will occur in 2022.

Deliverables

The requested items for the next meeting were the Production Report draft and the updated list of Bond Forfeiture Site costs.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Weston and Mr. Vlahos. After Board approval, the meeting concluded at approximately 11:15 a.m. The next scheduled meeting is to be held via Microsoft Teams, at 10 a.m. on August 4, 2021. Anyone wishing to join the meeting may do so remotely.