

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, February 3, 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)
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)
William Ruark (Member – Meshoppen Stone, Inc.)
Thomas Bryan (Member – Tri-State River Products, Inc.)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Thomas Carroll (Member – PA House)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Nick Troutman (Alternate – PA Senate)
Thaddeus Stevens (Member – Sylvan Glen, Inc.)
Timothy Weston (Member – Citizens Advisory Council (CAC))

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Ross McMann (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Amy Berrios (DEP - AAMO)
Kate Cole (DEP – Policy Office)
Brian Chalfant (DEP – Policy Office)
Christopher Minott (DEP – Legal)
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 November 4, 2020 meeting was put forward by Mr. Weston and seconded by Mr. Detwiler.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (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 the entirety of 2020.

- **Non-Regulatory Agenda:**

The comment period for the Engineering Manual closed on January 28, 2021. Five Comments were received. The DEP is working on processing the comments and hopes to present the Board with a revised version in time for the July meeting.

- **Regulatory Agenda:**

The Chapter 77 regulations are due to be published as Draft, with a public comment period occurring in March 2021 or April 2021.

- **Technical Items:**

The public comment period for GP-104 closed on February 8, 2021.

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

- As December 14, 1,147 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 453 of these permits, 10 of which were non-coal. Mr. Carl recommended removing noncoal draft permits updates in future meetings, as noncoal applications sent to US EPA are infrequent, and the figure hasn't changed in several meetings. The Board was more interested in the details of the received comments than their number.
- Monthly calls with the US EPA have continued and have mainly discussed data uploads, Electronic Discharge Monitoring Reports (eDMRs), and data on compliance issues.

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

- Between March 2016 and December 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 by one.
 - Between 2015 and 2020, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 961 (2020).
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 11 for 2020.
 - Small Facilities (New): between 51 (2016) and 10 (2020).
 - NPDES (New): between 33 (2018) and 11 (2020).
 - NPDES (Renewal): between 88 (2016) and 46 (2019), with 63 for 2020.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 5 for 2020.
 - The Board requested that Mr. Carl provide a more detailed analysis of these facilities in hopes of determining the cause of the downward trend in licenses. The DEP will see what data is available and will try to present something to the Board at the next meeting.
- **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 2 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 12 for 2020 (1 rescinded).
 - **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
 - So far, 88 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 150 permittees have either signed up or submitted their reports.
 - To date, 370 permittees have signed up for the E-DMR system. The US EPA is highly encouraging DEP to register users, and 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 \$2.6 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 \$1.5 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 November 30), 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 \$159,880.00 collected so far for FY 2020-2021.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are continuing to telework but operations have essentially returned to normal. Vacant positions within the DMOs continue to be filled.

Request for Permit Fee Analysis

The Board requested a more detailed analysis of the permit fees which became effective in 2021. The Board would like information on income and revenues trends.

GP-104 Status Update

Ms. Hill gave the Board information about the ongoing GP-104 reissuance. The BMP is transitioning from using a staggered renewal schedule to having all permits expire on the same day. An electronic renewal system should be in place in time for the 2026 reissuance.

GP-104 was published with a 30-day comment period. The US EPA has not formally accepted the BMP's plan but is continuing to discuss it during monthly calls. Once approved, the BMP would reach out to operators and notify them of the changes. If the operator accepts, the expiration date would be updated to 2026.

Noncoal Bond Forfeiture

Eric Oliver provided the Board with detailed information about the Noncoal Bond Forfeitures from 2010 to 2020. The vast majority is in Small Noncoal (<2,000 tons), primarily from the Moshannon and Pottsville DMOs. The most frequent citations were conducting mining activities without a valid mining license and failure to pay the annual fees. A map of industrial mineral forfeiture sites was provided, broken down by mineral type.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Stevens and Mr. Weston. After Board approval, the meeting concluded at approximately 11:40 a.m. The next scheduled meeting is to be held via Skype, at 10 a.m. on May 5, 2021. Anyone wishing to join the meeting may do so remotely.