AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, November 3, 2021
Rachel Carson State Office Building
Conference Room 105
Harrisburg, PA

VOTING MEMBERS OR ALTERNATES PRESENT:
Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Griffin Caruso (Alternate – PA House of Representatives)
D. Michael Hawbaker (Member – Glenn O. Hawbaker, Inc.)
William Ruark (Member – Meshoppen Stone, Inc.)
Thomas Bryan (Member – Tri-State River Products, Inc.)
Lori Dayton (Member – Specialty Granules, LLC/Citizen's Advisory Council (CAC))
Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Michael Carroll (Member – PA House)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Emily Eyster (Alternate – PA Senate)
Nick Troutman (Alternate – PA Senate)
Rep. Ryan Mackenzie (Member – PA House)
Ronald Kurpiel (Alternate – Hanson Associates)
R. 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)
Geoff Lincoln (DEP – BMP)
Jennifer Gulden (DEP – BMP)
James Charowsky (DEP – BMP)
Eric Oliver (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Michaela Plazek (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Amy Berrios (DEP - AAMO)
Abbey Cadden (DEP – Policy Office)
Christopher Minott (DEP – Legal)
Josie Gaskey (Guest – PACA)
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)
Karina Gonzales (Guest – PA Senate)

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 August 4, 2020 meeting was put forward by Mr. Weston and seconded by Mr. Carroll.

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 DMOs from January 1, 2021 to October 1, 2021.

- **Non-Regulatory Agenda**:

    The comments received for the Engineering Manual are still being incorporated. Due to the length of the document and the number of comments, an extended processing time is expected.

- **Regulatory Agenda:**

    The Draft of Chapter 77 has been published, and the Final version is ready for presentation.

- **Technical Items:**

    The Noise and Not Started Standard Operating Procedures (SOPs) are available on the website. Minor revisions were made to Module 1, and the Streams and Wetlands Module will be presented to the Board when the changes are available.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
    o   As August 20, 1,207 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 465 of these permits, 10 of which were non-coal.

    o   Monthly calls with the US EPA have continued and have mainly discussed data errors, NPDES templates, and compliance data for the electronic discharges monitoring reports (eDMRs).

- **Program Overview (Facilities and Applications):**
  - Between March 2016 and October 2021, the numbers of inspectable units fell for small facilities (both < 2,000 tons/year and, < 10,000 tons/year), but slightly increased for large facilities (> 10,000 tons/year).
  - GP-105 Operator permits increased slightly, while GP-103 Operator Permits decreased. Underground facilities remained the same.
  - Between 2016 and 2021, the ranges for various application types included the following:
    - Licenses: between 1,189 (2016) and 961 (2020), with 779 for 2021.
    - Large Facilities (New): between 11 (2020) and 4 (2016), with 13 for 2021.
    - Small Facilities (New): between 51 (2016) and 10 (2020), with 13 for 2021.
    - NPDES (New): between 33 (2018) and 11 (2020), with 15 for 2021.
    - NPDES (Renewal): between 88 (2016) and 46 (2019), with 67 for 2021.
    - Pre-Applications: between 7 (2019) and 2 (2016), with 3 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 (2015), with 1 for 2021.
  - Between 2015 and 2021, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 13 for 2021.

- **E-Permitting and E-Discharge Monitoring Reports (E-DMRs):**
  - One hundred twenty-four Coal Mining Exploration Notices have been received in system.
  - Seven hundred thirty permittees have signed up for the eDMR system. This is an estimated 85 percent of total operators.

- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
  - As of the latest report, there is over $2.7 million in cash collateral, $2.8 million in payments in lieu of bonds, and over $10 million in bond fund reclamation.
  - The NCSMR fiscal report showed about $595 thousand in general operations monies, with about $2.5 million in collateral and over $1.3 million in restricted bond monies.

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

  Between Fiscal Year (FY) 2012-2013 and FY 2020-2021 (as of September 30), CWF 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 $53,460.00 collected so far for FY 2021-2022.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. The DMOs are continuing to fill vacant positions. Of 17 vacant positions, 5 are in the selection process, 7 are in posting process, and 5 are requests to fill positions.

The DMO is implementing a LEAN HMR program through Greenport. Beta testing is planned for January 2022. The final launch date is expected to be in April 2022.

Chapter 77

Mr. Allen presented the Board with the Final rulemaking for Chapter 77. No changes were made to the document since the proposed version was presented to the Board. The motion to approve the document was made by Mr. Detwiler and seconded by Mr. Carroll, and passed without objection.

Bond Forfeiture Reclamation Obligations

The DMOs assessed their list of outstanding sites and, following inspections, found many which had already been reclaimed and were able to be removed from the list of sites. The total estimated reclamation cost of these sites is approximately $10.25 million, with $1.2 million in bond money already collected. The majority of the remaining reclamation cost $ 9 million is required by four large operations.

Mr. Oliver also provided the Board with a statewide map of forfeiture sites, available with the meeting materials.

Board Annual Reports

Dr. Snowden provided the Annual Reports for 2016 through 2020 for the Board's review and approval. The motion to approve them was made by Mr. Detwiler, seconded by Mr. Carroll, and passed without objection.

Board Meeting dates for 2022

The Board set meeting dates for February 2, May 4, August 3, and November 2, 2022.

Deliverables

No deliverables were requested for the next meeting.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Detwiler and seconded by Mr. Carroll. After Board approval, the meeting concluded at approximately 11:40 a.m. The next scheduled meeting is to be held in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg, at 10:00 a.m. on February 2, 2022. The meeting will also be offered via Microsoft Teams. Anyone wishing to join the meeting may do so either in person or remotely.