



# PA Department of Environmental Protection

## Aggregate Advisory Board

### 2021 Annual Report

**DRAFT**

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*The Department of Environmental Protection (DEP) considers the valuable input of its more than two dozen advisory committees vital in carrying out our mission to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens. The aggregates industry -- representing stone, sand and gravel, and dimensional stone -- is an essential part of Pennsylvania's economy through its strong employment base and the important role its products play in building, feeding and connecting our communities. Members of the Aggregate Advisory Board represent industry, the legislature, county conservation districts and citizens. Through the Board they regularly share their expertise and knowledge with DEP on issues relating to non-coal mining. This collaborative approach results in commonsense regulations and policies built on sound science.*

*I look forward to continuing the good working relationship with the members of the board to find the most efficient ways to promote environmental compliance while fostering the growth of this most important industry.”*

John Stefanko  
Executive Deputy Secretary  
PA Department of Environmental Protection





*“The aggregates businesses in Pennsylvania are the foundation that builds towns and cities and the connections—roads and bridges—between them. The transportation industry in Pennsylvania is completely dependent on our aggregates to build roadways, airports, distribution centers, tunnels, bridges, etc.*

*DEP Advisory Boards play a critical collaborative role in addressing issues that affect the industry in a manner that is effective, transparent and comprehensive for the Department, the stakeholders and the legislature. The Aggregate Advisory Board brings together industry, citizens, legislative members and the Department in a coordinated setting that allows for a free exchange of understanding, knowledge, ideas and scientifically-based, technically accurate solutions to upcoming and active challenges faced by the Commonwealth of Pennsylvania. On behalf of all members of this Board, we look forward to continuing open, candid discussions relating to noncoal mining at these Board meetings.*

*It is an honor to continue serving as Vice-Chair of the Aggregate Advisory Board. I commend the Department of Environmental Protection for the work done with this Board.”*

Paul Detwiler, III  
President and Chief Executive Officer - New Enterprise Stone and Lime Co., Inc.

## **HISTORY AND PURPOSE OF THE BOARD**

On October 25, 2013, Senator Joseph Scarnati and Senators Yaw, Kasunic, Mensch, Vulakovich, White, Alloway, Yudichak, Solobay and Costa introduced Senate Bill 1155 (Appendix A). In Senator Scarnati's Senate Memorandum dated September 10, 2013, he indicated the creation of this advisory board was to assure that the policy decisions and changes from the Department of Environmental Protection (DEP) regarding aggregate mining would be made with input from stakeholders, both from the aggregate mining industry and Pennsylvania citizens, to assure that these issues are properly vetted, and the decisions are made in a thorough and comprehensive manner.

The Aggregate Advisory Board was created by Act 137 of 2014 (Appendix B), which was signed by Governor Corbett on Sept. 24, 2014, and took effect 60 days later. The Board was created to assist the Secretary of Environmental Protection to spend funds for the purposes provided by Section 17, "Noncoal Mining Conservation and Reclamation Fund," of the Act of Dec. 29, 1984, known as the "Noncoal Surface Mining Conservation and Reclamation Act," and to advise the Secretary on all matters pertaining to surface mining as defined in Section 3, "Definitions," of the Noncoal Surface Mining Conservation and Reclamation Act. This includes, but is not limited to, experimental practices, alternate methods of backfilling, obligations for preexisting pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods.

At the first meeting in May 2015, the Board determined meetings would be in the months of February, May, August, and November of each calendar year. The Act requires the Board to prepare an annual report of its activities to be submitted to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives.

## **MEMBERSHIP**

The structure of the membership is set by the Act itself. The Board is comprised of the Secretary of DEP (chair), three aggregate surface mining operators, four members of the public from the Citizens Advisory Council, one member from county conservation districts, one Senate member from the majority party, one Senate member from the minority party, one House member from the majority party, and one House member from the minority party.

Members are appointed for a two-year term except one-half of the initial members serve for three years. The Board meets at least quarterly to carry out its duties. All actions of the Board are by majority vote. See Appendix C for the 2019 Membership list. A list of current members as well as other Information can be found on DEP's website.

## **OFFICERS**

At the initial May 13, 2015, meeting of the Aggregate Advisory Board, then-Secretary John Quigley assigned his chair position to Executive Deputy Secretary John Stefanko. Elected by the Board as Vice-Chair is Paul Detwiler, III, President and Chief Executive Officer, New Enterprise Stone and Lime Co, Inc.

## **COMMITTEES AND RESPONSIBILITIES**

At the May 2015 meeting, two Committees were formed. This included the Regulatory, Legislative and Technical Committee and the Annual Report Committee.

The purpose of the Regulatory, Legislative and Technical Committee was first discussed at the May 2015 meeting and the following purpose was ultimately approved as follows:

“The Regulatory, Legislative and Technical Committee of the Aggregate Advisory Board is tasked with evaluating, recommending and/or advising the Aggregate Advisory Board regarding existing and proposed legislation, regulations, guidance, policies, white papers and other non-regulatory agenda items, as they relate to the aggregates (stone, sand and gravel, bluestone and other industrial minerals) industry in Pennsylvania.”

The purpose of the Annual Report Committee is to fulfill the requirement of the Act for an annual report of the Board’s activities. This report is to be submitted to the Environmental Resources and Energy Committee of the Senate and, the Environmental Resources and Energy Committee of the House of Representatives.

At the May 2015 Board meeting, the Board voted unanimously to designate six persons to serve as members of the Regulatory, Legislative and Technical Committee: Representative Bryan Barbin; Paul Detwiler, III; Richard Fox; William Ruark; Mark Snyder; and Thaddeus Stevens. Additionally, Robert Hughes is also designated as a member of the Committee. These people have changed over the years. Currently, they include: Paul Detwiler, III as RLT Committee chair, Thaddeus Stevens, Robert Hughes, Timothy Weston, and Mike Hawbaker.

The noncoal mine permit fees are currently required to be evaluated every three years under 25 PA Code Chapter 77. DEP increased these fees on a six-year phased basis effective January 2020. Current fees can be found in 25 PA Code Chapter 77, Section 77.106.

## **2021 MEETINGS**

Full Board meetings were held February 3, 2021; May 5, 2021; August 4, 2021; and November 3, 2021.

Due to the COVID-19 pandemic, the full Board meetings were held virtually. No field trip was taken in 2021. The Department continues to offer these meetings in a virtual format, as well as in person in 2022.

As is typical, in 2021 meetings, the Board received general updates on noncoal mining matters related to updates from the Bureau of Mining Programs (BMP): regulatory and non-regulatory agendas; National Pollutant Discharge Elimination System (NPDES) permitting; program overviews (facilities and applications); E-Permitting and E-Discharge Monitoring Reports (eDMR); Permit Applications; Small Noncoal Processing Time and Applications in Process; Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations (including revenues and expenditures); Clean Water Fund Mining Fee Revenues; and, Bonding and Bond Forfeitures. The Board also received regular updates from the Bureau of District Mining Operations (BDMO).

## MAJOR DISCUSSIONS

In 2021, discussions included:

- E-Initiatives including e-permitting and OnBase
- Clean Water proposed Manganese rulemaking
- Bond Forfeitures, mapping and list, dollars
- Emergency repairs expenditures
- Department revenue and expenditures
- Engineering Manual challenges
- New Standard Operating Procedures (SOPs)
- PA Historical Museum Commission (PHMC) changes
- Production Report
- Environmental Justice
- District Mine Offices personnel changes and work load issues
- Other relevant issues

Minutes from these meetings in 2021 are found in Appendix D

## AGGREGATE ADVISORY BOARD MEMBERS

(as of July 2021)

<p><b>Patrick W. McDonnell, Chairperson</b>  <b>Secretary</b>                  PA Department of Environmental Protection                  400 Market Street, 16<sup>th</sup> Floor                  P. O. Box 2063                  Harrisburg, PA 17105-2063</p>	<p><b>Robert Hughes</b>                  Eastern PA Coalition for Abandoned Mine                  Reclamation                  (EPCAMR)                  101 South Main Street                  Ashley, PA 18706</p>
<p><b>Thomas J. Bryan</b>                  Tri-State River Products, Inc.                  100 South 3<sup>rd</sup> Street                  Pittsburgh, PA 15219-1128</p>	<p><b>The Honorable Ryan Mackenzie</b>                  PA House of Representatives                  160A East Wing                  P.O. Box 2134                  Harrisburg, PA 17120-2134</p>
<p><b>The Honorable Mike Carroll</b>                  PA House of Representatives                  300 Main Capitol Building                  PO Box 202118                  Harrisburg, PA 17120-2118</p>	<p><b>William M. Ruark</b>                  Meshoppen Stone, Inc.                  524 SR 4015                  Meshoppen, PA 18630</p>
<p><b>The Honorable Carolyn T. Comitta</b>                  Senate of Pennsylvania                  Room 457, Main Capitol Building                  PO Box 203019                  Harrisburg, PA 17120</p>	<p><b>Thaddeus K. Stevens</b>                  Citizens Advisory Council                  Sylvan Glen, Inc.                  Sylvan Glen Road                  P.O. Box 61                  Gaines, PA 16921</p>
<p><b>Lori Dayton</b>                  Citizens Advisory Council                  Specialty Granules, LLC (SGI)                  13424 Pennsylvania Avenue, Suite 303                  Hagerstown, MD 21742</p>	<p><b>R. Timothy Weston</b>                  Citizens Advisory Council                  K&amp; L Gates LLP                  17 North 2<sup>nd</sup> Street, 18<sup>th</sup> Floor                  Harrisburg, PA 17101</p>
<p><b>Paul Detwiler, III, Vice-Chairperson</b>                  New Enterprise Stone and Lime Co.                  3912 Brumbaugh Road                  P. O. Box 77                  New Enterprise, PA 16664</p>	<p><b>The Honorable Gene Yaw</b>                  PA Senate                  Room: 362 Main Capitol                  Senate Box 203023                  Harrisburg, PA 17120-3023</p>
<p><b>William C. Fink</b>                  Citizens Advisory Council                  Country View Family Farms (CVFF)                  1301 Fulling Mill Road, Suite 3000                  Middletown, PA 17057</p>	



## AGGREGATE ADVISORY BOARD ALTERNATES

(as of July 2021)

<p><b>Griffin Caruso</b> PA House of Representatives Environmental Resources and Energy Committee 28 Ryan Office Building PO Box 202217 Harrisburg, PA 17120-2217</p>	<p><b>Keith Salador</b> Executive Director Citizens Advisory Council PO Box 8459 13<sup>th</sup> FL, RCSOB Harrisburg, PA 17105-8459</p>
<p><b>Emily Eyster</b> Legislative Director &amp; Executive Director Senate of Pennsylvania Room 457, Main Capitol Building PO Box 203019 Harrisburg, PA 17120</p>	<p><b>John Stefanko, Deputy Secretary</b> Active and Abandoned Mine Operations PA Department of Environmental Protection 400 Market Street, 16<sup>th</sup> Floor P. O. Box 2063 Harrisburg, PA 17105-2063</p>
<p><b>D. Michael Hawbaker</b> Glenn O. Hawbaker, Inc. 1952 Waddle Road State College, PA 16803</p>	<p><b>Nick Troutman, Communications Director</b> PA Senate – Office of Senator Gene Yaw 362 Main Capitol Building P. O. Box 203023 Harrisburg, PA 17120</p>
<p><b>Michael Hewitt, Program Manager</b> Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)  101 South Main Street Ashley, PA 18706</p>	<p><b>Peter Vlahos, President</b> PA Aggregates and Concrete Association 3509 North Front Street Harrisburg, PA 17110</p>
<p><b>Ronald Kurpiel, Vice-President/General Manager</b> Hanson Aggregates, Western PA Breakneck Road Connellsville, PA 15425</p>	

# Appendix A - Senate Bill 1155

PRIOR PRINTER'S NOS. 1529, 1806

PRINTER'S NO. 2112

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# SENATE BILL

No. **1155** Session of  
2013

INTRODUCED BY SCARNATI, YAW, KASUNIC, MENSCH, VULAKOVICH, WHITE,  
ALLOWAY, YUDICHAK, SOLOBAY AND COSTA, OCTOBER 25, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 9, 2014

### AN ACT

Amending the act of May 31, 1945 (P.L.1198, No.418), entitled, as amended, "An Act providing for the conservation and improvement of land affected in connection with surface mining; regulating such mining; providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators; and providing penalties," establishing the Aggregate Advisory Board.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 18 of the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, is amended by adding a subsection to read:

Section 18. Surface Mining Conservation and Reclamation Fund; Remining Environmental Enhancement Fund; Remining Financial Assurance Fund; Department Authority for Awarding of Grants.--\* \* \*

(g.1) There is hereby created an Aggregate Advisory Board to assist the secretary to expend the funds for the purposes provided by section 17 of the act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation

Act," and to advise the secretary on all matters pertaining to surface mining, as defined in section 3 of the "Noncoal Surface Mining Conservation and Reclamation Act," which shall include, but not be limited to experimental practices, alternate methods of backfilling, obligations for preexisting pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods. The board shall function as follows:

(1) The board shall be comprised of the secretary; three (3) aggregate surface mining operators; four (4) public members from the Citizens Advisory Council, who shall be appointed by the council; one (1) member from the County Conservation Districts, who shall be appointed by the State Conservation Commission; four (4) members of the General Assembly, two (2) from the Senate, one (1) member from the majority party and one (1) member from the minority party, who shall be appointed by the President pro tempore, and two (2) from the House of Representatives, one (1) from the majority party and one (1) from the minority party, who shall be appointed by the Speaker of the House of Representatives.

(2) The secretary shall chair the Aggregate Advisory Board and appoint the members from the aggregate industry.

(3) All members shall be appointed for a term of two (2) years, except that one-half of the initial members shall serve for three (3) years.

(4) All actions of the board shall be by majority vote. The board shall meet upon the call of the secretary, but not less than quarterly, to carry out its duties under this act. The board shall select from among its members ~~a chairperson and such other~~ SUCH officers as it deems appropriate.

(5) The board shall prepare an annual report on its activities and submit the report to the Senate Environmental Resources and Energy Committee and the House Environmental Resources and Energy Committee.

\* \* \*

Section 2. This act shall take effect in 60 days.

## Appendix B – Act 137 of 2014

### SURFACE MINING CONSERVATION AND RECLAMATION ACT - AGGREGATE ADVISORY BOARD

Act of Sep. 24, 2014, P.L. 2480, No. 137

Cl. 52

Session of 2014

No. 2014-137

SB 1155

#### AN ACT

Amending the act of May 31, 1945 (P.L.1198, No.418), entitled, as amended, "An act providing for the conservation and improvement of land affected in connection with surface mining; regulating such mining; providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators; and providing penalties," establishing the Aggregate Advisory Board.

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(1) The board shall be comprised of the secretary; three (3) aggregate surface mining operators; four (4) public members from the Citizens Advisory Council, who shall be appointed by the council; one (1) member from the County Conservation Districts, who shall be appointed by the State Conservation Commission; and four (4) members of the General Assembly, two (2) from the Senate, one (1) member from the majority party and one (1) member from the minority party, who shall be appointed by the President pro tempore, and two (2) from the House of Representatives, one (1) member from the majority party and one (1) member from the minority party, who shall be appointed by the Speaker of the House of Representatives.

(2) The secretary shall chair the board and appoint the members from the aggregate industry.

(3) All members shall be appointed for a term of two (2) years, except that one-half of the initial members shall serve for three (3) years.

(4) All actions of the board shall be by majority vote. The board shall meet upon the call of the secretary, but not less than quarterly, to carry out its duties under this act. The board shall select from among its members such officers as it deems appropriate.

(5) The board shall prepare an annual report on its activities and submit the report to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives.

\* \* \*

Section 2. This act shall take effect in 60 days.

APPROVED--The 24th day of September, A.D. 2014.

TOM CORBETT

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**Appendix D**

**AGGREGATE ADVISORY  
BOARD BYLAWS**

**(Adopted May 13, 2015)**

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**ARTICLE I**

**Authorization**

The Aggregate Advisory Board is authorized and organized pursuant to Section 18(g.1) of the Pennsylvania Surface Mining Conservation and Reclamation Act (the act of May 31, 1945 (P.L.1198, No.418), as amended by Act 137 of 2014) (52 P.S. § 1396.18).

**ARTICLE II**

**Purpose**

The purpose of the Aggregate Advisory Board is to assist the Secretary of the Department of Environmental Protection to expend the funds for the purposes provided by Section 17 of the Act of December 19, 1984 (P.L.1093, No. 219), known as the “Noncoal Surface Mining Conservation and Reclamation Act,” and to advise the Secretary on all matters pertaining to surface mining, as defined in Section 3 of the “Noncoal Surface Mining Conservation and Reclamation Act,” which shall include, but not be limited to, experimental practices, alternate methods of backfilling, obligations for pre- existing pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods.

**ARTICLE III**

**Members**

The Board shall be comprised of:

- The Secretary of the Department of Environmental Protection (Secretary),
- Three aggregate surface mining operators, who shall be appointed by the Secretary,
- Four members of the Citizens Advisory Council, who shall be appointed by the Council,

- One member from the County Conservation Districts, who shall be appointed by the State Conservation Commission,
- Four members of the General Assembly:
  - Two from the Senate:
    - One from the majority party and one from the minority party, both of who shall be appointed by the President Pro Tempore,
  - Two members from the House of Representatives:
    - One from the majority party and one from the minority party, both of who shall be appointed by the Speaker of the House of Representatives

Board members may designate an official alternate. The Chair shall be notified, in writing, of such alternate.

The Chair is the Secretary of the Department of Environmental Protection or his departmental designee. All other members shall be appointed for a term of two years, except that one-half of the initial members shall serve for three years. Members may be reappointed.

The Board may recommend to the appointing authority removal of any member not attending, or not represented by a designee, at two consecutive board meetings in a year.

#### **ARTICLE IV Officers**

The officers of the Board shall be the Chair and a Vice Chair. The election of a Vice Chair, by majority vote of the Board members present, shall take place at the first meeting of the Board every two years. The term shall begin immediately upon election. In the event the Vice Chair resigns from said office or ceases to be a member of the Board, an election shall be held to fill that seat for the remainder of the Vice Chair's unexpired term.

It shall be the duty of the Chair to preside at all meetings of the Board, call special meetings, prepare and distribute the meeting agenda in consultation with the Department, and perform other such duties as pertain to the office.

It shall be the duty of the Vice-Chair to perform the duties of the Chair in his/her absence. The Vice Chair shall also assist the Chair in the performance of such duties as may be assigned by the Chair.

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## **ARTICLE V Committees**

The Board may establish committees, as deemed necessary, with each committee assigned specific mission when it is formed.

Committees shall be established by a majority vote of those members attending a regular or special meeting of the Board.

The committee chair shall be selected by its members. The committee chair will be responsible for calling committee meetings, requesting needed assistance from the Department, and reporting to the Board. The committee chair shall receive necessary program and administrative support from the Department.

The Board Chair shall appoint a committee to prepare the Annual Report, as mandated by Section 18(g.1) of the Pennsylvania Surface Mining Conservation and Reclamation Act, to be submitted to the Senate Environmental Resources and Energy Committee and the House Environmental Resources and Energy Committee.

A listing of the committees and their statements of purpose shall be maintained as an Appendix to these bylaws. Changes to the Appendix shall not constitute a change to the bylaws.

## **ARTICLE VI**

### **Voting**

Each member of the Advisory Board shall be entitled to exercise one vote in each matter placed before the Advisory Board for which a vote is called. Decisions of the Advisory Board shall be by vote of the majority. A majority of the Board members constitutes a quorum and no voting shall be done without a quorum. Votes must be made by the member or their designated official alternate; voting will not be done in absentia, by proxy or by stand-in representatives.

In the event that the position of the Advisory Board must be determined and a meeting cannot reasonably be rescheduled, members may participate in the meeting and vote by telephone conference call or other electronic means.

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**ARTICLE VII**  
**DEP Administration**

Representatives from the Office of Active and Abandoned Mine Operations shall provide program liaison and administrative support to the Aggregate Advisory Board. Program liaison support shall include framing of issues for the Advisory Board, providing necessary information for Advisory Board discussions, and assisting with the development of agendas, projects and meeting schedules.

Administrative support shall be performed by an employee designated by the Department. It shall be his/her duty to function as the recording and corresponding assistant, as assigned by the Department. Included among these duties shall be:

- To give public notice of the meetings and agendas for the Board and the committees two weeks in advance on the Department's website, and by email to Board members.
- To record full Board minutes and keep a permanent file of the minutes of meetings of the Board and committees. Minutes of the meetings of the Board and of Committees shall be distributed to the full membership of the Board. Minutes should be reviewed by the Board Chair and/or committee chair prior to distribution.
- To conduct both outgoing and incoming correspondence and to maintain a permanent file of such correspondence.
- To review and approve travel and subsistence expenses.
- To perform other such duties as may be requested by the Board.

**ARTICLE VIII**  
**Meetings**

Meetings of the Board shall be open to the public and shall be held at least quarterly or at the call of the Chair.

A majority of the Board members shall constitute a quorum. A majority of the members present at a meeting of the Board may act for the full Board. The Chair shall have the same rights, privileges and obligations as all Board members.

Members who miss two or more consecutive meetings of the Board may be recommended by the Board to the Secretary for removal from the Board.

#### **ARTICLE IX**

##### **Amendments of Bylaws**

The Bylaws may be amended at any meeting of the Advisory Board by two-thirds majority vote of the members of the Board present at the meeting, provided there is quorum, and that written notice of such change has been sent to each member at least one month prior to the meeting.

#### **ARTICLE X**

##### **Board Representation**

The Board shall act as a body in all matters before it and only the Chair or his or her designee, or the Board's designee, shall speak on behalf of the Board.

#### **ARTICLE XI**

##### **Parliamentary Authority**

On items not covered by these Bylaws, Robert's Rules of Order shall be the final authority.

## **Appendix E - 2021 Meeting Minutes**

### **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.

### **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 1<sup>st</sup> 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.

## **AGGREGATE ADVISORY BOARD (BOARD)**

**Wednesday, August 4, 2021**

**Virtual Meeting (via Microsoft Teams)**

### **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)

Thomas Bryan (Member – Bryan Materials Group)  
Rep. Ryan Mackenzie (Member – PA House)  
Peter Vlahos (Member - PA Aggregates and Concrete Association (PACA))  
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))  
Thaddeus Stevens (Member – Citizens Advisory Council (CAC)/Sylvan Glen, Inc.)  
Emily Eyster (Alternate – PA Senate)  
Nicholas Troutman (Alternate – PA Senate)  
Lori Dayton (Member - Specialty Granules, LLC/CAC)  
Timothy Weston (Member – CAC)  
Robert Hughes (Member – Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR))

**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)  
Eric Oliver (DEP – BMP)  
Michaela Plazek (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)  
Brian Chalfont (DEP – Policy Office)  
J. Michael Lookenbill (DEP – Bureau of Clean Water (BCW))  
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 May 5, 2021 meeting was put forward by Mr. Detwiler and seconded by Mr. Weston. The motion was passed without objection.

**CORRESPONDENCE**

Senator Carolyn Comitta joined as a Member. Her alternate is Emily Eyster.

## **COMMITTEE REPORTS:**

The RLT Committee did not meet since the previous meeting.

## **DELIVERABLES**

The BMP provided the Board with a draft report of production data and an update on the bond forfeiture figures.

## **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 2nd Quarter 2021.

- **Non-Regulatory Agenda:**

The BMP and DMOs are continuing to process comments received on the Engineering Manual. There is no expected release date for the next draft, although the Board will be kept up to date. Because of the number of comments and the length of the Manual itself, the next draft is expected to take several months.

- **Regulatory Agenda:**

BMP is continuing to work on the Draft of Chapter 77 and is processing a substantial number of comments. BMP is open to a more detailed meeting on the Comment and Response Document with the Board's Regulatory, Legislative and Technical (RLT) Committee.

- **Technical Items:**

The Noise Standard Operating Procedure (SOP) is in final stages of review. The Not Started SOP has been published and is available on the BMP page. The PA Historical and Museum Commission (PHMC) process has changed, and minor updates have been made to Modules 1 & 4 to correct out-of-date information.

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

- As March 1, 1,190 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 459 of these permits, 10 of which were non-coal.
- Monthly calls with the EPA have continued and have mainly discussed NPDES permitting, data uploads, eDMRs, and data on compliance issues.

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

- Between March 2016 and June 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).

- There was a slight increase in the number of underground facilities. GP-103 Operator Permits decreased, while GP-105 Operator Permits stayed the same.
- Between 2016 and 2020, the ranges for various application types included the following:
  - Licenses: between 1,189 (2016) and 961 (2020), with 533 for 2021.
  - Large Facilities (New): between 11 (2020) and 4 (2016), with 8 for 2021.
  - Small Facilities (New): between 51 (2016) and 10 (2020), with 5 for 2021.
  - NPDES (New): between 33 (2018) and 11 (2020), with 13 for 2021.
  - NPDES (Renewal): between 88 (2016) and 46 (2019), with 50 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 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 8 for 2021.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
  - 113 Coal Mining Exploration Notices have been received in system.
  - 542 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. 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, \$2.8 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - The NCSMR fiscal report showed \$1 million in general operations monies, with about \$2.4 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 June 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 \$376,030.00 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. DMOs are now on a hybrid work schedule, with two days in their physical work locations. Vacant positions within the DMOs continue to be filled.

### **Aggregate Advisory Board Annual Reports**

The Annual Reports through 2015-2020 have been completed by Dr. Snowden. In the future, it will be the responsibility of the Board to put together the Annual Reports. Ms. Gaskey will lead the project, with the help of Ms. Dayton and Mr. Weston.

### **Deliverables**

The requested items were the final Bond Forfeiture Cost Projection and a map of the sites. BMP will also provide the final rulemaking of Chapter 77 and, a notification on the number of Not Started permits to the Board as these become available.

### **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was made by Mr. Weston and seconded by Mr. Bryan. After Board approval, the meeting concluded at approximately 11:10 a.m. The next scheduled meeting is scheduled for November 3, 2021, in Conference Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

## **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:**

- 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.

- 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**

Ms. Hill 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.