

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, November 2, 2022
Hybrid Meeting (via Microsoft Teams)

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Ryan Mackenzie (Member – PA House)
John Stefanko (Alternate – DEP – Active and Abandoned Mine Operations (AAMO))
William Ruark (Member – Meshoppen Stone, Inc.)
Thaddeus Stevens (Member – Sylvan Glen, Inc./Citizens Advisory Council (CAC))
Griffin Caruso (Alternate – PA House of Representatives)
Emily Eyster (Alternate – PA Senate)
R. Timothy Weston (Member – K & L Gates/CAC)
D. Michael Hawbaker (Alternate – Glenn O. Hawbaker, Inc.)
Nick Troutman (Alternate – PA Senate)
Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))

OTHER ATTENDEES:

Nathan Houtz (DEP – Bureau of Mining Programs (BMP))
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Eric Oliver (DEP – BMP)
Gregory Shuler (DEP – BMP)
Melanie Barber (DEP – BMP)
Michaela Plazek (DEP – BMP)
Seth Pelepko (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Amy Berrios (DEP - AAMO)
Brian Chalfant (DEP – Policy)
Laura Griffin (DEP – Policy)
Josie Gaskey (Guest – PACA)

CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:10 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 Board approved the meeting minutes from the August 4, 2022, meeting without changes.

CORRESPONDENCE

Dr. Daniel E. Snowden provided Board and Alternates with copies of the Department of Environmental Protection (DEP) State Water Plan.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee did not meet since the previous meeting on August 4, 2022.

DELIVERABLES

Seth Pelepko provided the Board with Full-Time Equivalent (FTE) counts for AAMO offices. Approximately 28 positions have been eliminated since 2010 from the DMOs and the District Director's Office.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Noncoal Applications Breakdown:**
Sharon Hill provided the Board with detailed information regarding the distribution of applications across the DMOs for Calendar Year 2022 through October 1, 2022.
- **Non-Regulatory Agenda:**
The Water Supply Replacement Technical Guidance Documents (TGDs) are continuing to be reworked. No estimated dates are available for the three documents, but BMP will provide the Board with drafts as they become available.
- **Regulatory Agenda:**
The Final Chapter 77 rulemaking is pending submittal to the Environmental Quality Board (EQB).
- **Technical Items:**
BMP intends to meet in November with coal and noncoal industry representatives, DEP staff, and consultants to continue developing new engineering information related to surface mining operations.
- **Bonding and Bond Forfeitures:**
 - Between 2015 and 2022, 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 2022.
 - Between 2015 and 2022, the number of bond forfeitures for small operators ranged from a low of 3 (2019) to a high of 34 (2015), with 0 for 2022.

- Between 2015 and 2022, the number of bond forfeitures for Bluestone GP-105 ranged from a low of 1 (2017, 2020) to a high of 4 (2021), with 0 for 2022.
- **e-Permitting and e-Discharge Monitoring Reports (e-DMR):**
 - DMRs for individual National Pollutant Discharge Elimination System (NPDES) permits and coverage under GP-104 must be submitted through the eDMR system as required by the Federal e-rule. Sharon Hill provided the Board with a list of active sites with NPDES permits. Of 1,077 noncoal permits, 784 were noted by the United States Environmental Protection Agency (US EPA) to be unregistered. US EPA is highly interested in seeing an increase in registration. This list is constantly in flux and is difficult to generate.
 - The e-Permitting system continues to be updated, and a GP-104 renewal module will be implemented before its expiration deadline in March 2026.
- **Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.6 million in cash collateral, \$3.0 million in payments in lieu of bonds, and over \$10.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$877,000 in general operations monies, with about \$2.4 million in collateral and over \$1.4 million in restricted bond monies.
- **Clean Water Fund (CWF) Mining Fee Revenue:**
Between Fiscal Year (FY) 2012-2013 and FY 2021-2022 (September 30), CWF mining fee revenues ranged from a low of \$247,800 (FY 2012-2013) to a high of \$794,124 (FY 2019-2020), with \$173,454 collected for FY 2021-2022.

NEW BUSINESS

Update from District Mining Offices

Dan Sammarco provided the Board with an update on DMO operations. The DMOs continue to effectively process applications, both recently received and backlogged. The DMOs are continuing to fill vacant positions. Of the 16 current vacancies, seven are in the compliance sections and nine are in the technical sections.

2021 Aggregate Advisory Board Annual Report

The 2021 Annual Report was approved by the Board without changes.

2023 Meeting Dates

The Board scheduled its quarterly meetings for February 1, May 3, August 2, and November 1, 2023. The location of the August 2023 meeting and field trip location is yet to be determined.

Deliverables

The Board requested a more specific FTE report focusing on work hours of permitting, inspection, and technical staff and a detailed breakdown of coal versus noncoal inspectable units over time.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at approximately 11:25 a.m. The next scheduled meeting is to be held on February 1, 2023 at 10 a.m. in Conference Room 105 of the Rachel Carson State Office Building, 400 Market St, Harrisburg, PA 17101. The meeting is also available remotely via Teams.