

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, May 21, 2025
Hybrid Meeting (via Microsoft Teams)

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (Member – New Enterprise Stone and Lime Co., Inc.)
Jonathan Kolbe (Member – Allegheny Mineral Corporation)
Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Glendon King (Alternate – PA House of Representatives)
Matthew Osenbach (Alternate – PA Senate)
Nathan Houtz (Alternate – DEP – Active and Abandoned Mine Operations (AAMO))

OTHER ATTENDEES:

Greg Greenfield (DEP – Bureau of Mining Programs (BMP))
Randy Shustack (DEP -- Bureau of District Mining Operations (BDMO))
Sharon Hill (DEP – BMP)
Laura Mensch (DEP – BMP)
Rachel Colyer (DEP – BMP)
Daniel E. Snowden (DEP – BMP/Board Liaison)
William Hudak (DEP – Bureau of Mine Safety)
Richard Wagner (DEP – BMS)
Alexandra Eberly (DEP – BMP)
Emily Fisher (DEP – BMP)
Marissa Kovach (DEP – BMP)
Bradley Rhodes (DEP – BMP)
Amy Berrios (DEP - AAMO)
Jennifer McLuckie (DEP - AAMO)
Jack Palumbo (DEP – Policy Office)
Richard Marcil (DEP – Regulatory Council)
Trent Machamer (Guest – PA Senate)
Jeffery Icivic (Guest – PA Senate)
Ronald Clister (Guest – Hanson Aggregates, Inc.)
Rachel Gleason (Guest – PA Coal Alliance)
Megan Dennis (Guest – PACA)
Michael Clark (Guest – New Enterprise Stone and Lime Co., Inc.)

CALL TO ORDER

The meeting was called to order at approximately 10:16 a.m. by Nathan Houtz.

ROLL CALL/INTRODUCTIONS

Board members and Alternates answered to a roll call to determine a quorum, facilitated by Daniel Snowden. Other attendees and Guests in the room then introduced themselves.

There was not a quorum for this meeting.

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

It was determined that because there was not a quorum for this meeting, the minutes from the February 19, 2025 meeting were not able to be voted upon.

CORRESPONDENCE

Dr. Snowden reported that to reflect updated guidance from the Policy Office, the Bureau of Mining Programs has created a resource account to handle Board communications between the Board Liaison and Bureau of Mining Programs (BMP) staff; this will include requests for agenda items and all general inquiries.

PUBLIC COMMENTS

The floor was opened for public comments; none were submitted to the board.

COMMITTEE REPORTS

The Board's Regulatory, Legislative and Technical (RLT) Committee indicated that there was no meeting, therefore, nothing to report.

DELIVERABLES

Greg Greenfield, BMP Director, indicated there was one deliverable, which came in after the last meeting: a request was made for the status of the Bureau of Mine Safety's (BMS) "Guidelines on Submitting Benching Plans" Technical Guidance Document (TGD). This will be discussed later in this meeting, per the agenda.

BUREAU OF MINING PROGRAMS (BMP) UPDATES

The Board was provided with updates from Sharon Hill and Laura Mensch on the following topics:

- **Noncoal Applications Breakdown**

Ms. Hill provided the Board with information regarding the distribution of applications across the District Mining Offices (DMOs). Data encompasses the summary of January 1 to May 1 of 2025. Tables on the handouts illustrate the data discussed, specifically, all noncoal applications in and out, as well as the "in process" numbers for each office; Ms. Hill noted one denial was disposed.

- **Regulatory Agenda**

Ms. Hill reported that the only item is the Final Omitted Blast Clarification regulatory package. This was due to go to the Independent Regulatory Review Commission (IRRC) in April, but that meeting was cancelled. Due to the cancellation, it means the Final Omitted Blast Certification regulatory package was approved (this consisted of a one-word change, in Chapter 77, to clarify blast area). The regulation will be published in the PA Bulletin in early July 2025.

- **Non-Regulatory Agenda**

Ms. Hill reported that there are upcoming revisions to four water supply replacement Technical Guidance Documents (TGDs); these which will be the subject of an upcoming joint RLT Committee meeting. Because this TGD covers both coal and noncoal operations, both this Board and the MRAB Board will be involved in preliminary review prior to public notice. Due to being short a Tech Chief, progress has been slowed on these TGD revisions.

Additionally on the agenda is the noncoal civil penalty assessment, which is currently undergoing legal review, but the Board will be presented with the draft when it is ready, hopefully by the next meeting, per Ms. Mensch's estimation.

Ms. Hill indicated that there are a number of other TGD recissions on the horizon. Several TGDs which had been issued around 1997, which are out of date, are being systematically reviewed and prioritized. These TGDs may be revised, turned into desk manuals or SOPs (Standard Operating Procedures) for internal department staff.

The Board requested that, in addition to the usual data provided regarding applications in/out, information on permit withdrawals made be included as well; Ms. Hill indicated that she would add that data for the next meeting.

- **Bonding and Bond Forfeitures**

Laura Mensch reported on the forfeitures for January 1 to March 31 of 2025, as illustrated on the handout provided to the Board. There was a total of five small noncoal forfeitures: three of those in Susquehanna County, two in Potter County. She then shared the current noncoal macro fund obligations. The first number showed the cash collateral bond that the Department is holding, with those bonds returned to the operator following reclamation. The second number is the total amount of bonds underwritten in the Payment in Lieu of Bond (PILB) Program. The third number shows the amount of reclamation liability for forfeited noncoal mines.

Ms. Mensch moved on to review the fund from the fiscal report. The current amount in the general operations fund was shown as the first number. The second number shows another view of the cash collateral bonds being held by the department, which appears slightly different from before due to the timing of the report. She noted the restricted bond amount as well, the amount of bonds collected to be used for noncoal reclamation.

Ms. Mensch then reviewed the amount generated into the Clean Water Fund (CWP) mining fee revenue, which shows in the table the amount of revenue which mining has contributed into the CWF, including both coal and noncoal and, comprised of amounts from the National Pollutant Discharge Elimination System (NPDES) program, Chapter 105 and wetland encroachment fees.

Ms. Mensch then shared the General Operations Fund, which covers this current fiscal year running July 1, 2024 to March 31, 2025. Expenditures and Revenue were shown, with the last page of the handout comparing the two against each other on a graph.

UPDATE FROM BUREAU DISTRICT MINING OPERATIONS (BDMO)

Randy Shustack, BDMO Director, shared a staffing update for the Board. He noted that Dave Thomas, in the Cambria office, and Sam Faith, out of the California Office, both retire at the end of June. Additionally, Dan Koury, the watershed manager out of Pottsville, will be leaving mid-July. Mr. Shustack indicated the paperwork process has been started, so candidates will be selected and, will be ready to take over when these employees separate (thus assuring continuity with these positions). The Board noted the number of employees who have left state employment to go to federal jobs and asked whether Mr. Shustack had a sense of whether we could get any back; he noted that there have been conversations with Office of Surface Mining Reclamation and Enforcement (OSMRE) employees who took the early buyout, and, that the BMDO may have a chance of gaining one or two of them.

Update on Guidelines for Submittal of Benching Plans TGD

William Hudak reported remotely from the New Stanton DMO on the status of this informational item. Mr. Hudak thanked the Board for their role in reviewing the TGD and indicated that there were four letters received regarding this TGD during the public comment period (January to February of 2025) and, that there had been 70 comments received overall. He noted that many of the comments were similar in nature, which determined how the responses will be grouped. Mr. Hudak stated there are other DEP Bureaus involved in this review as well and, that the comment response document for the TGD will be available as early as August, or possibly as late as September of 2025.

NEW BUSINESS

There was no new business to come before the Board at this time.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at 10:33 a.m. The next scheduled meeting is to be held on August 20, 2025, at 10:00 a.m., in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.