

# **PENNSYLVANIA AGGREGATE ADVISORY BOARD**

## **2017 ANNUAL REPORT**



**AGGREGATE  
ADVISORY BOARD**

P.O. Box 8461 • Harrisburg, PA 17105

## Chair's Message



The Department of Environmental Protection (DEP) relies on the valuable input of its more than two dozen advisory committees 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 a vital 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. 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 to work with 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



## Vice-Chair's Message



It is an honor to continue serving as Vice-Chair of the Aggregate Advisory Board. I commend the Department of Environmental Protection for utilizing not only this Board, but all DEP Advisory Boards. These boards play a vital role in a transparent approach to addressing issues in a manner that is effective 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 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.

*Mark Snyder*  
 President, Mid-Atlantic Region, Oldcastle Materials



## Table of Contents

|                                                           |    |
|-----------------------------------------------------------|----|
| Chair Message .....                                       | i  |
| Table of Contents .....                                   | ii |
| History and Purpose of the Aggregate Advisory Board ..... | 1  |
| Membership .....                                          | 1  |
| Officers .....                                            | 1  |
| Committees and Responsibilities .....                     | 2  |
| 2017 Meetings .....                                       | 2  |
| Major Activity .....                                      | 3  |
| <br>                                                      |    |
| Appendix A – Senate Bill 1155.....                        | 4  |
| Appendix B – Act 137 of 2014.....                         | 7  |
| Appendix C – Membership List .....                        | 9  |
| Appendix D – Aggregate Advisory Board’s Bylaws .....      | 11 |
| Appendix E – 2016 Meeting Minutes.....                    | 15 |

## History and Purpose of the Aggregate Advisory 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 2016 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, DEP. Elected by the Board as Vice-Chair in 2015 and retained in 2017, is Mark Snyder, President, Mid-Atlantic Region, Oldcastle Materials, Pennsy Supply, 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:

*“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.

The noncoal mine permit fees are currently required to be evaluated every three years under 25 PA Code Chapter 77. DEP is proposing to increase these fees and this issue was assigned to the Regulatory, Legislative and Technical Committee with a request to provide the full Board with a recommendation.

## 2017 Meetings

Full Board meetings were held on February 1, 2017; May 31, 2017; August 2, 2017; and December 14, 2017. A tour of the Beaver Concrete and Supply facility was held on August 2, 2017, in conjunction with the August 2, 2017 meeting. Meeting minutes can be found on DEP’s website and Appendix E of this report.

The Regulatory, Legislative and Technical Committee met on January 24, 2017; and May 5, 2017 to discuss matters regarding a Noncoal Hydrology document; geology- and groundwater-related noncoal mining permit modules; sinkhole issues; and a karst issue site list.

During all full Board meetings of 2017, 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); Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations (including revenues and expenditures); and, Bonding and Bond Forfeitures. The Board also received regular updates from the Bureau of District Mining Operations (BDMO).

## Major Activity

The Board engaged in the following activities during the 2017 calendar year:

- Finalizing and approving; the Aggregate Advisory Board Annual Report for 2015; this report was late distributed to the General Assembly and posted on the DEP web site;
- Met with DEP (per the RLT Committee) to discuss matters regarding Standard Operating Procedures, karst areas, sinkholes, and permit modules. The RLT Committee also set up a work group to look at karst geology and related matters.
- Requested that the DEP Bureau of District Mining Operations (DMO) provide a listing of non-coal forfeitures available so that active operators could consider transferring the forfeited permits, so that sites reclaimed as active operations - without the expense on the non-coal fund and, that DEP DMO consider incentivizing or streamlining the transfer of forfeited permits or consider the “as-is” transfer of forfeited permits to minimize the cost of updating a permit during the transfer process.
- Learned about the PA Fish and Boat Commission’s (PFBC) role in reclassifying streams. While the Board was interested in working with PFBC to do stream surveys, there was a point of contention on automatically associating industries with a degradation of the environment (when none related to mining had occurred) along with the overall assessment of wild trout streams and industries’ role in the degradation of trout streams; the cost and time constraint associated with this process and; the need for data from PFBC that could conclusively prove that industry played a role in the degradation of trout streams.
- Learned about the DEP’s role in classifying and re-designating trout streams.
- Received a visit from DEP Secretary Patrick McDonnell, as he made his rounds to all advisory board meetings.
- Requested that action items on various topics be included in future meeting minutes.
- Heard from the DEP Chief Counsel regarding a State Supreme Court decision (PA Environmental Defense Fund v. Commonwealth of PA; the Robinson Township Decision) and its potential effects on both the mining industry and, DEP as a whole.
- Received information requested regarding Historical Authorizations, the Permit Decision Guarantee (PDG) Annual Breakdown, and revenue and expenditure spreadsheets for the Non-Coal SMCRA Fund.

Appendix A - Senate Bill 1155

PRIOR PRINTER'S NOS. 1529, 1806

PRINTER'S NO. 2112

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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

**Appendix C – Membership List**  
**AGGREGATE ADVISORY BOARD MEMBERS**  
**(As of June 2017)**

|                                                                                                                                                                                                                |                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Patrick J. McDonnell, Chairperson</b><br/> Secretary<br/> PA Department of Environmental Protection<br/> 400 Market Street, 16<sup>th</sup> Floor<br/> P. O. Box 2063<br/> Harrisburg, PA 17105-2063</p> | <p><b>William M. Ruark</b><br/> Meshoppen Stone, Inc.<br/> 524 SR 4015<br/> Meshoppen, PA 18630</p>                                                  |
| <p><b>The Honorable Bryan Barbin</b><br/> PA House of Representatives<br/> 4 East Wing<br/> P O Box 202071<br/> Harrisburg, PA 17120-2071</p>                                                                  | <p><b>Mark Snyder, Vice-Chairperson</b><br/> Pennsy Supply, Inc.<br/> 1001 Paxton Street<br/> Harrisburg, PA 17104</p>                               |
| <p><b>Thomas J. Bryan, III</b><br/> Tri-State River Products, Inc.<br/> 100 South 3<sup>rd</sup> Street<br/> Pittsburgh, PA 15219-1128</p>                                                                     | <p><b>Thaddeus K. Stevens</b><br/> Citizens Advisory Council<br/> Sylvan Glen, Inc.<br/> Sylvan Glen Road<br/> P.O. Box 61<br/> Gaines, PA 16921</p> |
| <p><b>Terry L. Dayton</b><br/> Citizens Advisory Council<br/> Dayton Environmental<br/> 430 Lippencott Run Road<br/> Waynesburg, PA 15370</p>                                                                  | <p><b>Burt A. Waite</b><br/> Citizens Advisory Council<br/> Moody and Associates, Inc.<br/> 11548 Cotton Road<br/> Meadville, PA 16314</p>           |
| <p><b>Walter N. Heine</b><br/> Citizens Advisory Council<br/> Walter N. Heine Associates, Inc.<br/> 67 Graham Road<br/> Newville, PA 17241</p>                                                                 | <p><b>The Honorable Gene Yaw</b><br/> PA Senate<br/> Room: 362 Main Capitol<br/> Senate Box 203023<br/> Harrisburg, PA 17120-3023</p>                |
| <p><b>Robert Hughes</b><br/> Eastern PA Coalition for Abandoned Mine<br/> Reclamation<br/> 101 South Main Street<br/> Ashley, PA 18706</p>                                                                     | <p><b>The Honorable John Yudichak</b><br/> PA Senate<br/> Senate Box 203014<br/> Room: 458 Main Capitol<br/> Harrisburg, PA 17120-3014</p>           |
| <p><b>The Honorable Sandra Major</b><br/> PA House of Representatives<br/> 120 Main Capitol Building<br/> PO Box 202111<br/> Harrisburg, PA 17120-2111</p>                                                     |                                                                                                                                                      |

**AGGREGATE ADVISORY BOARD ALTERNATES  
(as of June 2017)**

|                                                                                                                                                                                                                                    |                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>John Stefanko, Deputy Secretary</b><br/>Active and Abandoned Mine Operations<br/>PA Department of Environmental Protection<br/>400 Market Street, 16<sup>th</sup> Floor<br/>P. O. Box 2063<br/>Harrisburg, PA 17105-2063</p> | <p><b>Lee Ann Murray, Executive Director</b><br/>Citizens Advisory Council<br/>PO Box 8459<br/>13<sup>th</sup> FL, RCSOB<br/>Harrisburg, PA 17105-8459</p>                                       |
| <p><b>Paul Detwiler, III</b><br/>New Enterprise Stone and Lime Co.<br/>3912 Brumbaugh Road<br/>P. O. Box 77<br/>New Enterprise, PA 16664</p>                                                                                       | <p><b>Adam Pankake, Executive Director</b><br/>PA Senate<br/>Environmental Resources and Energy Committee<br/>Room 362 Main Capitol Building<br/>PO Box 203023<br/>Harrisburg, PA 17120-3023</p> |
| <p><b>D. Michael Hawbaker</b><br/>Glenn O. Hawbaker, Inc.<br/>1952 Waddle Road<br/>State College, PA 16803</p>                                                                                                                     | <p><b>Todd Schmidt, P. E.</b><br/>Fox Engineering, PC<br/>857 Main Street<br/>New Milford, PA 18834</p>                                                                                          |
| <p><b>Michael Hewitt, Program Manager</b><br/>Eastern PA Coalition for Abandoned Mine<br/>Reclamation<br/>101 South Main Street<br/>Ashley, PA 18706</p>                                                                           | <p><b>Patricia Tamayo, Legislative Assistant</b><br/>PA House of Representatives<br/>4 East Wing<br/>P O Box 202071<br/>Harrisburg, PA 17120-2071</p>                                            |
| <p><b>Leda Lipton, Executive Director</b><br/>PA House of Representatives<br/>Environmental Resources and Energy Committee<br/>237 Ryan Office Building<br/>PO Box 202060<br/>Harrisburg, PA 17120-2060</p>                        | <p><b>Peter Vlahos, President</b><br/>PA Aggregates and Concrete Association<br/>3509 North Front Street<br/>Harrisburg, PA 17110</p>                                                            |
| <p><b>Joanne Manganello, Executive Director</b><br/>PA Senate<br/>Environmental Resources and Energy Committee<br/>Room 458 Main Capitol<br/>Harrisburg, PA 17120-3014</p>                                                         |                                                                                                                                                                                                  |

## 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.

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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.

#### 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.

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 - 2017 Meeting Minutes**

**MINUTES  
AGGREGATE ADVISORY BOARD (BOARD) MEETING  
February 1, 2017  
Rachel Carson State Office Building  
14<sup>th</sup> Floor Conference Room, 400 Market St  
Harrisburg PA, 17105**

### **VOTING MEMBERS OR ALTERNATES PRESENT:**

Rep. Bryan Barbin (PA House of Representatives – Member)  
Thomas Bryan (Bryan Materials Group – Member)  
Terry Dayton (Citizens Advisory Council (CAC) - Member)  
D. Michael Hawbaker (Glenn O. Hawbaker and Associates – Alternate)  
Katie Hetherington-Cunfer (CAC), Executive Director – Alternate) (via conference call)  
Paul Detwiler, III (New Enterprise Stone and Lime Co., Inc. - Alternate)  
Jonathan Lutz (PA House of Representatives – Alternate)  
Rep. Ryan Mackenzie (PA House of Representatives – Board Member) (via conference call)  
Joanne Manganello (PA Senate – Alternate)  
William Ruark (Meshoppen Stone, Inc. – Member)  
Todd Schmidt (PA Bluestone Association – Alternate)

John Stefanko (DEP – Executive Deputy Secretary for Programs/Acting Deputy Secretary – Active and Abandoned Mine Operations (AAMO) – Alternate; Chairperson)

Peter Vlahos (PA Aggregates and Concrete Association (PACA) – Alternate)

### **OTHER ATTENDEES:**

Bill Allen (DEP – Mining Programs)  
John Bennett (Widener Law)  
Brian Bradley (DEP - Abandoned Mine Reclamation)  
Mark Brickner (DEP – Clean Water)  
Abbey Cadden (DEP-Policy Office)  
Tom Callaghan (DEP – Mining Programs, Director)  
Bruce Carl (DEP- Mining Programs)  
Josie Gaskey (PACA)  
Mark Hartle (PA Fish and Boat Commission)  
Sharon Hill (DEP - Mining Programs)  
Darrel K. Lewis (Allegheny Minerals Corporation)  
Matt McClure (Specialty Granules, LLC)  
William Plassio (DEP – District Mining, Director)  
Paul Pocavich (DEP- Mining Programs)  
Daniel Schramm (Widener Law)  
Daniel E. Snowden, D.Ed. (DEP – Mining Programs; Board Liaison)

### **CALL TO ORDER/INTRODUCTIONS**

Covering for Mr. Stefanko, Mr. Bryan called the meeting to order at approximately 10:00 a.m. Board members, DEP personnel and visitors introduced themselves.

## **PACA ANTI-TRUST STATEMENT**

As per procedure, Mr. Bryan read the PACA Antitrust Statement to the Board.

## **APPROVAL OF MINUTES**

The Board voted to approve minutes from its November 2, 2016 meeting, without changes.

## **CORRESPONDENCE**

Board Liaison Dr. Snowden reported on receiving correspondence from the Speaker of the House regarding Representative Mackenzie serving on the Board. He also mentioned that the need for the CAC to reappoint its members who currently serve on the Board. Ms. Cunfer noted that the CAC is seeking a replacement for Burt Waite, who retired. Additionally, she raised the matter that CAC members are often simultaneous members of the MRAB and Aggregate Advisory Boards and, that the current meeting scheduling meant a certain burden of travel due to incompatible scheduling. Finally, she recommended that if it were possible to schedule the Boards' meetings to coincide more closely to the CAC meeting dates, then this would alleviate the inconvenience for the CAC members of the Board.

## **COMMITTEE REPORTS:**

Mr. Detwiler reported that the Board's RLT committee met twice since the last AAB meeting. DEP shared the first draft of a regulatory framework document with the committee for discussion. Several action items resulted from these meetings, and PACA will work with DEP to address these items. The RLT Committee plans to hold additional meetings on the DEP regulatory framework document.

## **PRESENTATIONS**

### **Technical Deficiencies Letters**

Sharon Hill presented a summary of a sample of technical deficiencies letters from the DMOs to determine issues related to delays in permit approval, to assess if the deficiencies were serious, significant or insignificant and to look at consistency and appropriateness of comments across DMOs. The conclusions were that of the 958 (non-coal permit) comments, 144 were serious enough to reject the applications. These serious comments occurred in 86% of the applications. The types of deficiencies found included "clarifications", "missing information" and "errors". Permit application quality varied across the board, but pre-applications significantly reduced cited deficiencies. BMP identified a few of the common deficiencies that were correctable through the e-permitting process.

### **Bureau of Mining Programs Updates**

Mr. Allen provided updates to the Board regarding the non-coal mining program:

- **Technical Guidance:** The Engineering Manual will be available for public review soon. The comment period for this document is likely to be longer than typically provided, due to the size of the manual.

- Regulatory Agenda: The items below are in the process of finalization, possibly being items for the upcoming EQB meeting in March or April:
  - Handling and Use of Explosives Regulations (25 PA Code, Chapters 210 and 211)
  - Non-Coal Fees Regulatory Package (25 PA Code, Chapter 77)
- National Pollutant Discharge Elimination System (NPDES) Permitting: The items mentioned here included the following:
  - Draft non-coal permits sent to EPA and their varied statuses (i.e., approvals, comments, no comments).
  - The Reporting Rule, as finalized last year, requires the submission of summary to the Federal database. The current system has been unable to meet this requirement, missing several deadlines; however, measures are underway to improve the system to the set standards and, to ensure compliance.
- Clean Water Fund (CWF) Non-Coal Mining Fee Revenues: The CWF revenue for both coal and non-coal operations ranged between \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$215,240.00 collected for FY 2016-2017 through December.
- Overview of Non-Coal Facilities: Information was provided graphically (per the Board's request) regarding breakdown of operating non-coal facilities in Pennsylvania, covering the years 2012 through 2016. Details for small operators (both < 2,000 tons/year and <10,000 tons/year), large operators, GP-105 operators, GP-103 operators, and underground operators were included.
- Overview of Non-Coal Applications: Information on the types of non-coal applications received for the years 2012 through 2016 was shared with the Board. The types of non-coal applications included were licenses (new and renewals), large operators, small operators, NPDES, and pre-applications.
- Non-Coal Surface Mining, Conservation and Reclamation Act (NSMCRA) Fund Obligations: Information was provided for the following NSMCRA fund obligations:
  - Cash Collateral: \$2,193,860.49 (according to E-Facts).
  - PILB Underwritten: \$3,207,956.40 (includes monetary releases from other fund mechanisms).
  - Bond Forfeiture (BF) Reclamation: Over \$4.3 million (estimate of forfeitures and the costs to reclaim mined areas, in addition to the bond amounts).
  - NSMCRA Fund Balance (as of September 30, 2016):
    - General Operations: \$6,294,823.87
    - Collateral: \$2,096,977.30
    - Restricted Bond: \$844,351.52
- Non-Coal Program Bond Forfeitures: For the years 2010 through 2016, the numbers of small and large non-coal operators that forfeited bonds ranged from a low of eight (all small

operators, no large operators – Years 2010 and 2016) to a high of 37 (34 small operators, 3 large operators).

- Miscellaneous: Mr. Allen concluded his presentation with spreadsheets provided at the request of the Board, including information on Historical Authorizations, the Permit Decision Guarantee (PDG) Annual Breakdown, and revenue and expenditure spreadsheets for the Non-Coal SMCRA Fund.

### **Non-Coal Bond Rate Guidelines**

Mr. Carl informed the Board that the revised bond rate guidelines were posted in *Pa Bulletin* in December 2016 and went into effect January 1, 2017. He will strive to keep the board apprised of my annual review of the bond rates on a quarterly basis, and advise the board in advance of any anticipated changes to the bond rate guidelines.

### **BAMR Status Report/AML Grant Funding Status**

Mr. Brian Bradley provided a status update on the Bureau of Abandoned Mine Reclamation's (BAMR) efforts to review and plan for the reclamation of 40 small non-coal bond forfeiture sites. The Bureau of District Mining Operations (DMO) referred these sites to BAMR as those with high reclamation potential, with minimal cost using BAMR's in-house reclamation crews and equipment (AD and BD crews). Any sites that are too time-consuming or, are beyond the equipment capability of the crews will be reclaimed through the competitive bidding process.

During discussions that followed the update, Board members asked the DMOs to make a full list of non-coal forfeitures available so that active operators could consider transferring the forfeited permits. This action would allow the sites reclaimed as active operations - without the expense on the non-coal fund. Board members also suggested that DEP consider incentivizing or streamlining the transfer of forfeited permits or consider the "as-is" transfer of forfeited permits to minimize the cost of updating a permit during the transfer process.

### **NEW BUSINESS**

#### **Mark Hartle – Pennsylvania Fish and Boat Commission (PFBC)'s Role in Reclassifying Streams**

At the Board's request, Mr. Hartle gave a presentation outlining the process used to identify and reclassify target streams as valuable natural resources. Mr. Hartle explained the Unassessed Waters Initiative, which uses staff and partners to survey unassessed streams for naturally reproducing populations of trout, with the overarching goal of protecting and covering those waters as wild trout streams. He identified the following: 1) the qualifiers sought when determining stream priority; 2) the methodology of the survey; and 3) the process by which streams would be officially categorized as Wild Trout streams. He concluded by defining the interaction of the PFBC and DEP throughout the process.

The Board expressed interest in working with the PFBC to provide survey services for streams their projects may rest on. The Board affirmed its support of clean streams, but expressed concerns that industries were automatically associated with a degradation of the environment, while active sites have rested on streams that have shown no harmful impacts. The Board raised questions regarding assessments of wild trout streams and, industries' role in the degradation of trout streams. The Board also decried the cost and time constraint associated with this process and, sought data from the PFBC to conclusively prove that industry played a role in the degradation of trout streams. DEP planned to follow up with PFBC on this matter.

**Mark Brickner – Trout Water Classifications and Re-Designation Qualifications**

Mr. Brickner gave an in-depth presentation about water classifications and re-designations. The Commonwealth is required to protect its surface waters, per the Federal Clean Water Act; the Pennsylvania Clean Streams Law; and Chapter 93.4a. Waters have classifications for both designated and existing uses. Designated uses are those specified in Chapter 93. Existing uses are those the stream body attained in the water body on or after November 28, 1975.

When PFBC classifies waters for specific designated uses, the BCW proceeds to assess them for the needed qualifications. The Bureau of Clean Water assess streams with the designations of Trout Stocking, Cold Water Fishes, High Quality and Exceptional Value streams, and Wetlands.

**Aggregate Advisory Board Annual Report (2015)**

The Board voted to accept its Annual Report for 2015. DEP will post this document on the Board's website.

**ADJOURNMENT/NEXT MEETING**

Mr. Stefanko adjourned the meeting at approximately 12:50 p.m. The Board will meet again on May 10, 2017 at 10:00 a.m., at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg PA 17110.

**MINUTES  
AGGREGATE ADVISORY BOARD (BOARD) MEETING  
May 31, 2017  
Rachel Carson State Office Building  
14<sup>th</sup> Floor Conference Room, 400 Market St  
Harrisburg, PA 17105**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (DEP – Deputy Secretary – Active and Abandoned Mine Operations – Alternate Chairperson)  
Rep. Bryan Barbin (PA House of Representatives – Member) (via conference call)  
D. Michael Hawbaker (Glenn O. Hawbaker and Associates – Alternate)  
Paul Detwiler, III (New Enterprise Stone and Lime Co., Inc. - Alternate)  
Tom Bryan (Bryan Materials – Member)  
Lee Ann Murray (Citizens Advisory Council – Member)  
Rep. Ryan Mackenzie (PA House of Representatives – Board Member) (via conference call)  
Joanne Manganello (PA Senate – Alternate)  
William Ruark (Meshoppen Stone, Inc. – Member)  
Todd Schmidt (PA Bluestone Association – Alternate)  
Thaddeus Stevens (Citizens Advisory Council – Member)  
Mark Snyder (Pennsy Supply, Inc. - Board Member)  
Peter Vlahos (PA Aggregates and Concrete Association – Alternate)

**OTHER ATTENDEES:**

Jonathan Lutz (PA House – Alternate)  
Bill Allen (DEP – Mining Programs)

Katie Hetherington Cunfer (DEP – Office of External Affairs)  
Abbey Cadden (DEP – Policy Office)  
Tom Callaghan (DEP – Mining Programs, Director)  
Bruce Carl (DEP – Mining Programs)  
Josie Gaskey (PA Aggregates and Concrete Association)  
Sharon Hill (DEP – Mining Programs)  
Darrel K. Lewis (Allegheny Minerals Corporation)  
Eric Oliver (DEP – Mining Programs)  
William Plassio (DEP – District Mining, Director)  
Paul Pocavich (DEP – Mining Programs)  
Jennifer Gulden (DEP – Mining Programs)  
Daniel E. Snowden, D.Ed. (DEP – Mining Programs, Board Liaison)

**CALL TO ORDER/INTRODUCTIONS:**

Mr. Stefanko called the meeting to order at approximately 10:00 a.m. Board members and DEP personnel introduced themselves.

**PA AGGREGATES AND CONCRETE ASSOCIATION ANTI-TRUST STATEMENT:**

The Antitrust Statement was read to the Board.

**APPROVAL OF MINUTES:**

The minutes from the February 1 meeting incorrectly listed Mr. Hawbaker opening the meeting and reading the anti-trust act. The correct person was Mr. Bryan, who was omitted from the attendance list. The minutes were approved pending the corrections.

**CORRESPONDENCE:**

The 2015 Aggregate Advisory Board Annual Report was distributed to the General Assembly. Paper copies of distributed reports will be made available in subsequent meetings and through email requests to the Board Liaison.

**COMMITTEE REPORTS:**

Mr. Snyder reported that the Board's RLT committee met on May 5. Items from the regulatory framework document were discussed. He advised the creation of additional workgroups within the RLT committee to address more complex topics starting with karst geology. The work groups would operate outside the constraints of the committee's meetings.

The Citizens Advisory Council is aware of the karst issue and hopes to include it as an agenda item for the fall meeting.

The date for the next RLT meeting will be announced once scheduled.

There were concerns regarding the Standard Operating Procedure (SOP) for Reclaimed Asphalt Pavement (RAP), along with other SOPs, in terms of whether these served as regulations. It was determined that a distinction was needed to show that SOPs are not regulations.

**PRESENTATIONS:****Secretary McDonnell**

Secretary McDonnell spoke with the Board to introduce himself and thanked the Board for its expertise and involvement in DEP processes. He reported that DEP is working on various initiatives including e-permitting, e-inspection, updating document management, continuing staff training, and listening sessions with the public.

**Bureau of Mining Programs Updates**

Mr. Allen provided updates to the Board regarding the non-coal mining program:

- **Standard Operating Procedures (SOPs):** The Board expressed interest in the SOPs used by the District Mining Offices (DMOs). SOPs are internally generated documents created as needed to ensure that each DMO is applying standard behaviors to issues arising while processing. SOPs are available online. DEP staff are working on making it easier for industry and the public to access the most recent information. The BMP will add SOP updates to the information provided to the Board by Mr. Allen.
- **Regulatory Agenda:** The items below are in the process of finalization:
  - Handling and Use of Explosives Regulations (25 PA Code, Chapters 210 and 211). This is under internal review with a finalization date possible in the fall.
  - Non-Coal Fees Regulatory Package (25 PA Code, Chapter 77). The Bureau of Mining Programs is working with the Policy Office to enter this package in the October Environmental Quality Board meeting.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:** The items mentioned here included the following:
  - Draft non-coal permits sent to EPA and their varied statuses (i.e., approvals, comments).
  - The Reporting Rule, as finalized last year, requires the submission of a summary to the Federal database. The current system has been unable to meet this requirement and several reporting deadlines have been missed. Measures are underway to improve the system to the set standards and to ensure compliance.
- **Clean Water Fund (CWF) Non-Coal Mining Fee Revenues:** The CWF revenue for both coal and non-coal operations ranged between \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016) with \$286,680.00 collected for FY 2016-2017 through April.
- **Overview of Non-Coal Facilities:** Information was at the Board's request regarding breakdown of operating non-coal facilities in Pennsylvania between March 2016 and April 2017. Details for small operators (both < 2,000 tons/year and <10,000 tons/year), large operators, GP-105 operators, GP-103 operators, and underground operators were included.
- **Overview of Non-Coal Applications:** Information on the types of non-coal applications received for the years 2012 through 2017 was shared with the Board. The types of non-coal applications included were licenses (new and renewals), large operators, small operators, NPDES, and pre-applications.



- Non-Coal Surface Mining, Conservation and Reclamation Act (NSMCRA) Fund Obligations: Information was provided for the following NSMCRA fund obligations:
  - Cash Collateral: \$2,053,986.50 (as of April 2017).
  - PILB Underwritten: \$3,700,638.60 (includes monetary releases from other fund mechanisms, as of April 2017)
  - Bond Forfeiture Reclamation: Over \$4.3 million (estimate of forfeitures and the costs to reclaim mined areas, in addition to the bond amounts).
  - NSMCRA Fund Balance (as of September 30, 2016):
    - General Operations: \$6,294,823.87
    - Collateral: \$2,096,977.30
    - Restricted Bond: \$844,351.52
- Non-Coal Program Bond Forfeitures: For the years 2010 through 2017, the numbers of small and large non-coal operators that forfeited bonds ranged from a low of one in 2011 to a high of 37 in 2015 (34 small and 3 large operators).
- Miscellaneous: Mr. Allen concluded his presentation with spreadsheets including information on Historical Authorizations, the Permit Decision Guarantee Annual Breakdown, and revenue and expenditure spreadsheets for the Non-Coal SMCRA Fund.

The Board requested an updated list of forfeitures for the Noncoal Program for inclusion in future meetings. Mr. Oliver will use GIS to compose a forfeiture map which will be included once available.

### **Non-Coal Bond Rate Guidelines**

Mr. Carl provided updates regarding the Non-Coal Bond Rate Guidelines. Currently, there are five reclamation projects for the current year which is not enough data to determine trends for the upcoming period.

### **NEW BUSINESS:**

#### **2017 Aggregate Advisory Board Field Trip**

Mr. Bryan offered the Board a tour of Beaver Concrete and Supply following the meeting on August 2, 2017. The facility is a working onboard processing river dredge producing over one million tons per year of aggregate materials. Email reservations for the trip should be made a few weeks ahead.

The Board requested additional information from Mark Hartle regarding the presentations given on the February 1 meeting. Questions were raised to Mr. Hartle regarding Stream Degradation, slide 6 of his presentation. The Board did not receive information from Mr. Hartle regarding this, but will reach out for the subsequent meeting.

The Board recommended the addition of action items to the meeting minutes. For this meeting, action items are as follows:

- Generation of an action items list as part of the meeting minutes.
- Provide periodic updates to the Board on SOPs in the Mining Program.

- Share Environmental Quality Board postings of updated non-coal fee regulations with the Board.
- Send reminders to the Board regarding the August 2, 2017 field trip (which follows the Board meeting on that same date).

**ADJOURNMENT/NEXT MEETING:**

Mr. Stefanko adjourned the meeting at approximately 11:45 a.m. The Board will meet again on August 2, 2017, 10:00 a.m. at the Hampton Inn, 202 Fairview Drive, Monaca PA 15061.

**AGGREGATE ADVISORY BOARD (BOARD)  
Wednesday, August 8, 2017  
Hampton Inn  
202 Fairview Dr.  
Monaca, PA 15061**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (DEP – AAMO; Alternate/Chair) (on Web-Ex)  
Tom Bryan (Alternate)  
Terry Dayton (Member)  
Paul Detwiler III (Alternate)  
D. Michael Hawbaker (Alternate)  
Jonathan Lutz (Alternate) (on Web-Ex)  
Joanne Manganello (Alternate) (on Web-Ex)  
Rep. Ryan Mackenzie (Member) (on Web-Ex)  
Thad Stevens (Member)  
Peter Vlahos (Alternate)

**OTHER ATTENDEES:**

Bill Allen (DEP- BMP) (on Web-Ex)  
Tom Callaghan (DEP – Director, BMP)  
Abbey Cadden (DEP – Policy Office) (on Web-Ex)  
Bruce Carl (DEP – BMP)  
Eric Oliver (DEP – BMP)  
Bill Plassio (DEP – Director, District Mining Operations)  
Paul Pocavich (DEP – BMP)  
Daniel E. Snowden, D.Ed. (DEP - BMP/Board Liaison)  
Jack Chamberlin (Consultant)  
Ray Ewing (Consultant)  
Josie Gaskey (PA Aggregates and Concrete Association)  
Jamie Stilley (Amerikohl)

**CALL TO ORDER/INTRODUCTIONS:**

The Aggregate Advisory Board (Board) meeting was called to order at 10:00 a.m. Board members, DEP personnel, and other guests introduced themselves.

**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 minutes from the May 31, 2017, will be amended to reflect the board's position on Standard Operating Procedures (SOPs). The position is that SOPs are not to be used as regulations. The Board voted to approve the minutes, pending revisions, from the meeting on May 31, 2017.

**CORRESPONDENCE:**

No correspondence has been received in the last period.

**COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical Committee determined the need for specialized workgroups to discuss in-depth matters of interest. DEP and PACA are working to compile lists of volunteers for the workgroups.

**BUREAU OF MINING PROGRAMS UPDATES:**

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Several technical guidance documents (i.e., Processing Completion Reports; Bonding - Direct Submittal of Bonds; Blaster's License Suspension; and Pre-Applications) are approaching the end of the revision process, and will be published for comment once approved by counsel. A section of the Stormwater chapter of the Engineering Manual was modified by the counsel to more closely mirror the Chapter 102 requirements, although the entire document was reviewed. The Board will be able to comment on the draft once it is published in the PA Bulletin. The Board will be provided a list of changes made by the legal department once this information is provided to the DEP.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations Handling and Use of Explosives were revised and are undergoing internal review. There is a deadline for submission in March of 2018, where the final rule must be delivered to the Environmental Quality Board (EQB).
- **Non-Coal Fees:** The proposed regulatory fee package is tentatively scheduled for the September EQB meeting.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
  - As of June 30, 764 Draft Permits (fifty-two of which were non-coal) NPDES permits were sent to the United States Environmental Protection Agency (EPA), one since the last report. The EPA has commented or objected on 38, of which ten were non-coal permits. There have been no comments since the last report.
  - Mr. Allen presented the latest figures for historical authorizations. The District Mining Offices (DMOs) continue to process backlogged applications. Currently, there is one remaining application out of the Pottsville DMO.
  - The Sufficiently Sensitive Testing Methods Rule continues to be discussed with the EPA. Comments were made regarding the detection capability and limits regarding selenium. Currently, the detection limits of labs are higher than the limit set by the water quality standard. The Bureau currently uses the limits set by the Clean Water Program.
  - A discussion followed the Board's further interest in the implementation of the Sufficiently Sensitive Testing Methods Rule. Ms. Gaskey reported the difficulties the industry is having in finding laboratories with the capacity to measure the limits as stated. Currently, the DMOs are relying on the information on the application for industrial waste water NPDES permit instructions as a standard.

- Whole Effluent Toxicity Testing (WETT) is being discussed with the EPA. The EPA has introduced another receiving stream, Stoneycreek River, in the last call. In the future, it may be beneficial to try to identify the specific kinds of mine sites and/or discharges which may be eligible for WETT testing.
- Between FY 2012-2013 and FY 2016-2017 Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$286,680.00 collected so far for FY 2016-2017 (through April).
- **Program Overview (Facilities and Applications):**
  - Between March 2016 and July 2017, the numbers of inspectable units fell slightly for small facilities (both < 2,000 tons/year and < 10,000 tons/year) and large facilities. GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
  - Between 2012 and 2017 (to date), the ranges for various application types included the following:
    - Licenses: between 1,278 (2012) and 1,159 (2014), with 681 so far for 2017.
    - Large Facilities (New): between 25 (2012) and 4 (2014), with 3 so far for 2017.
    - Small Facilities (New): between 51 (2016) and 25 (2013), with 26 so far for 2017.
    - NPDES (New): between 17 (2012) and 11 (2013), with 10 so far for 2017.
    - NPDES (Renewal): between 88 (2016) and 50 (2014), with 42 so far for 2017.
    - Pre-Applications: between (15) 2013) and 2 (2016), with 3 so far for 2017.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
  - As of June 30, 2017, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.7 million in payments in lieu of bonds, and over \$4.3 million in reclamation obligations.
  - The NCSMCRA fiscal report showed about \$6.3 million in general operations monies, with about \$2.1 million in collateral and over \$844,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures:**
  - Between 2010 and 2017, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, and 2013) to a high of 3 (2015).
  - Between 2010 and 2017, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).
  - The Board was shown maps created by Mr. Eric Oliver showing the locations of forfeiture sites throughout the state. These maps are available on the Board's website for interested parties. Mr. Oliver plans to implement more interactive and detailed features for the maps in the future.

### **NON-COAL BOND RATE GUIDELINES**

Mr. Carl reported that the statuses of the Non-Coal Bond Rates for 2017 are relatively unchanged from the previous year. There has been a slight increase in the cost of Revegetation and Highwall Benches.

**NEW BUSINESS:**

- **Budget Update**  
Mr. Stefanko gave the Board a brief update regarding the State Budget. While a spending plan has been approved, the accompanying revenue plan has not been resolved and approved. The Department is not currently affected, although several proposed procedural changes include manganese monitoring, oil and gas program updates, and third-party delegates in the permit review process.
- **General Permit for Reclamation of Forfeited Non-Coal Mines – GP-106**  
Mr. Oliver shared the current draft of the reclamation permit for forfeited Non-Coal sites with the Board. Currently, it is designed for sites less than five acres, and for a duration of two years. The Board recommended the draft be thoroughly reviewed by the RLT Committee.
- **Standard Operating Procedures (SOPs)**  
The Board expressed continuing interest in the SOPs (stressing that these should not be used in lieu of policy or regulations), as discussed by Sharon Hill in the meeting on May 31, 2017. The Board reiterated their request for more information regarding the areas and criteria which reviewers focused on during the application process.
- **Karst Permit Review Listing**  
Members of the Board would like the removal or edit of the Karst Permit Review Listing from the DEP website. Mr. Stefanko informed the Board that, as this listing is a public document already vetted by the Board, it would require a letter from the Board to amend this document, to more accurately reflect its nature.

**ADJOURNMENT/NEXT MEETING:**

The meeting was adjourned at approximately 11:00 a.m. The Board will meet again on November 1, 2017, at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Thursday December 14, 2017**  
**Rachel Carson State Office Building**  
**14th Floor Conference Room**  
**400 Market St, Rm. 105**  
**Harrisburg, PA 17101**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (DEP – AAMO; Alternate/Chair)

Mark Snyder (Member)

Patty Tamayo (Alternate)

Joanne Manganello (Alternate)

Leda Lipton (Alternate)

Thad Stevens (Member)(via Web-ex)

Peter Vlahos (Alternate)

**OTHER ATTENDEES:**

Bill Allen (DEP- BMP)

Tom Callaghan (DEP - BMP)

Alexandra Chiaruttini (DEP – Chief Counsel)

Joe Iole (DEP – Legal)

Bruce Carl (DEP – BMP)  
Eric Oliver (DEP – BMP)  
Jennifer Gulden (DEP - BMP)  
Sharon Hill (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Christopher Whiteash (DEP - BMP)  
Daniel E. Snowden (DEP - BMP/Liaison)  
Bill Plassio (DEP – Director, District Mining Operations)  
Mark Benson (DEP – DMO)  
Michael Menghini (DEP - DMO)  
Sam Faith (DEP - DMO)  
Dan Sammarco (DEP - DMO)  
Nate Houtz (DEP - DMO)  
Joe Leone (DEP - DMO)

**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 minutes from the August 8, 2017 meeting in the “New Business” section will be amended as: *“The Board expressed continuing interested in the content of Standard Operating Procedures (SOPs), as discussed by Sharon Hill in the May 31, 2017 meeting, with the understanding that SOPs are not to be used as policy-making documents.”* The Board voted to approve the minutes pending the revision.

**CORRESPONDENCE:**

The Board was provided with a list of permitted sites determined to be areas underlain by carbonate bedrock. The Board will be provided with a list of missing townships which were not included on the document. The PA Fish and Boat Commission (PFBC) informed the Board that industry members who would like to partner with the PFBC are welcome to do so.

**COMMITTEE REPORTS:**

The Board’s Regulatory, Legislative and Technical (RLT) Committee has not met since the last update.

**BUREAU OF MINING PROGRAMS UPDATES:**

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Several technical guidance documents are moving forward towards completion. The Completion Report and Direct Submittal of Bonds documents are both heading towards the finalization stage. The Engineering Manual and the Blaster’s Manual are both in legal review.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives are scheduled to be brought to the February meeting of the Environmental Quality Board (EQB). The Fee Update has been approved by the EQB, and has been submitted to the Attorney General’s office for review. A publication in the PA Bulletin is possible in early 2018.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
  - As of June 30, 807 Draft Permits (fifty-two of which were non-coal) NPDES permits were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 390 of these permits, 10 of which were non-coal. There have been no comments since the last report.
  - Whole Effluent Toxicity Testing (WETT): DEP is continuing to incorporate comments received for the informal list of testing protocols.
  - Between FY 2012-2013 and FY 2016-2017 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$121,350.00 collected so far for FY 2017-2018, as of October.
- **Program Overview (Facilities and Applications):**
  - Between March 2016 and November 2017, the numbers of inspectable units fell slightly for small facilities (both < 2,000 tons/year and < 10,000 tons/year) and large facilities. GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
  - Between 2012 and 2017 (to date), the ranges for various application types included the following:
    - Licenses: between 1,278 (2012) and 1,159 (2014), with 1007 so far for 2017.
    - Large Facilities (New): between 25 (2012) and 4 (2014), with 8 so far for 2017.
    - Small Facilities (New): between 51 (2016) and 25 (2013), with 39 so far for 2017.
    - NPDES (New): between 17 (2012) and 11 (2013), with 28 so far for 2017.
    - NPDES (Renewal): between 88 (2016) and 50 (2014), with 68 so far for 2017.
    - Pre-Applications: between (15) 2013) and 2 (2016), with 3 so far for 2017.
- **Non-Coal Surface Mining Conservation and Reclamation (NCSMCRA) Fund Obligations:**
  - As of October 31, 2017, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.7 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - The NCSMCRA fiscal report showed about \$4.4 million in general operations monies, with about \$2.1 million in collateral and over \$852,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures:**
  - Between 2010 and 2017, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013, and 2017) to a high of 3 (2015).
  - Between 2010 and 2017, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

### **Chief Counsel Alexandra Chiaruttini – Robinson Township Decision**

The Chief Counsel discussed the recent State Supreme Court decision (PA Environmental Defense Fund v. Commonwealth of PA) and its potential effects on both the mining industry and, DEP as a whole.

**NEW BUSINESS:**

**General Permit for Reclamation of Forfeited Non-Coal Mines – GP-106**

In the August meeting, the Board recommended the draft be more thoroughly reviewed by the RLT committee. The RLT committee has not yet met to discuss this permit.

**District Mining Offices Staff Updates**

Mr. Plassio reported that of 14 vacancies within the district mining offices, 9 were in the process of being filled.

**Meetings Dates for 2018**

The Board set meeting dates for the 2018 year. The Board will meet on February 8, 2018, May 9, 2018, August 8, 2018, and November 7, 2018.

**ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 11:30 a.m. The Board will meet again on February 8, 2018 in the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.