

Pennsylvania  
Department of Environmental Protection  
Aggregate Advisory Board  
2020 Annual Report



**FINAL 2/2023**

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## CHAIR MESSAGES

*“The Pennsylvania 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 DEP's 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 important industry.”*



John Stefanko  
Deputy Secretary for Active and Abandoned Mine Operations (AAMO)  
Pennsylvania 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 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 September 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 December 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 137 of 2014. 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 Deputy Secretary for Active and Abandoned Mine Operations (AAMO), 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:

*“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.

## **2020 Meetings**

Full Board meetings were held February 5, 2020; May 6, 2020; August 5, 2020; and November 4, 2020. Due to the COVID-19 pandemic, the full Board meetings of May 6, August 5 and November 4 were all held via Skype. Additionally, the Board did not hold a field trip in 2020, again, due to the COVID-19 pandemic.

The Regulatory, Legislative and Technical Committee met on two occasions in 2020: 1) March 30, 2020 to continue the discussion of changes to the Chapter 77 regulations; and; 2) September 18, 2020 to discuss revisions to the Engineering Manual.

During all full Board meetings of 2020, 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/Activities**

In 2020, the Aggregate Advisory Board engaged in the following discussions and activities:

- Appointed Paul Detwiler, III as Vice-Chair;
- Approved the proposed revisions to the Chapter 77 regulations;
- Obtained (per BMP) a map detailing forfeited noncoal sites requiring reclamation throughout Pennsylvania;

- Learned of an issue involving small operators who may be at risk of forfeiting their bonds because of noncompliance. Here, an idea was put forward of allowing operators to reclaim adjacent lands in order to remain compliant, as opposed to forcing these same operators to post additional bonds or forfeit entirely.
- Began its review of the Engineering Manual; and
- Learned of the reissuance of the GP-104, as the original permit of this type will expire in February 2021. With over 700 operators affected, the BMP will work with the US EPA throughout the revision process and hopes to have the permit in place before the February deadline, along with an electronic renewal system for the 2026 reissuance.
- Pond Certification and Public Meeting Standard Operating Procedures (SOPs)
- Moving the meetings for May 6, 2020; August 5, 2020; and November 4, 2020 from in-person to Skype, due to the Governor's emergency disaster declaration and based on advice from the Pennsylvania Department of Health regarding the mitigation of the spread of novel Coronavirus (COVID-19).

Minutes from the Board's meetings in 2020 are found in Appendix D.

**AGGREGATE ADVISORY BOARD MEMBERS**  
(as of January 2020)

<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>The Honorable Ryan Mackenzie</b> PA House of Representatives 160A East Wing P.O. Box 2134 Harrisburg, PA 17120-2134</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>William M. Ruark</b> Meshoppen Stone, Inc. 524 SR 4015 Meshoppen, PA 18630</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>The Honorable Steven Santarsiero</b> PA Senate 184 Main Capitol Senate Box 203010 Harrisburg, PA 17120-3010</p>
<p><b>Terry L. Dayton</b> Citizens Advisory Council Dayton Environmental 430 Lippencott Run Road Waynesburg, PA 15370</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>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>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>William C. Fink</b> Citizens Advisory Council Country View Family Farms (CVFF) 1301 Fulling Mill Road, Suite 3000 Middletown, PA 17057</p>	<p><b>The Honorable Gene Yaw</b> PA Senate Room: 362 Main Capitol Senate Box 203023 Harrisburg, PA 17120-3023</p>
<p><b>Robert Hughes</b> Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) 101 South Main Street Ashley, PA 18706</p>	

**AGGREGATE ADVISORY BOARD ALTERNATES**  
(as of January 2020)

<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>Timothy Collins, Executive Director</b> PA Senate Environmental Resources and Energy Committee Room 458 Main Capitol Harrisburg, PA 17120-3014</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>	



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.

**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.

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

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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 24<sup>th</sup> day of September, A.D. 2014.

TOM CORBETT

## Appendix C

# AGGREGATE ADVISORY BOARD BYLAWS (Adopted May 13, 2015)

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### ARTICLE

#### 1

### 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:
  - o 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,
  - o 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.

#### 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 D – 2020 Meeting Minutes

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

**Wednesday, February 5, 2020**

**Rachel Carson State Office Building  
400 Market St, Conference Room 105  
Harrisburg, PA 17101**

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

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))  
Ronald Kurpiel (Alternate – Hanson Aggregates)  
Griffin Caruso (Alternate – PA House of Representatives)  
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)  
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))  
Rep. Mike Carroll (Member – PA House) (via Skype)  
Thaddeus Stevens (Member – Citizens Advisory Council (CAC)) (via Skype)

#### **OTHER ATTENDEES:**

Josie Gaskey (PACA)  
Amy Berrios (DEP – AAMO)  
Bill Allen (DEP – Bureau of Mining Programs (BMP))  
Bruce Carl (DEP – BMP)  
Sharon Hill (DEP – BMP)  
Eric Oliver (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Kevin Bogdan (DEP – BMP)  
Ross McMann (DEP – BMP)  
Jennifer Gulden (DEP – BMP)  
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))  
Kate Cole (DEP – Policy Office)  
Kara Fetter (DEP – Policy Office)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)  
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)  
Rod Martin (Guest – Martin Stone)  
Beth Kern (Guest)

#### **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 November 6, 2019 meeting were approved.

## **CORRESPONDENCE**

There was no new correspondence.

## **COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical (RLT) Committee continues to work with the DEP and, is currently processing the information provided by DEP on the proposed Chapter 77 regulation revisions.

## **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 previously requested information regarding the distribution of applications across the DMOs for the entire 2019 year. There continues to be a relative balance of processed and pending applications across all offices, and the statistics are similar to those of previous years.

- **Non-Regulatory Agenda:**

The Engineering Manual continues its review in Legal. The Board will be updated with any status changes.

- **Regulatory Agenda:**

The DEP intends to present the Board with the proposed Chapter 77 rule for recommendation to proceed with the rulemaking process at its May meeting. The RLT committee will convene to discuss this proposed rule, as time is made available.

- **Technical Items:**

The Pond Certification and Public Meeting Standard Operating Procedures were published online at the end of January 2019. The revised National Pollutant Discharge Elimination System (NPDES) was provided to the United States Environmental Protection Agency (US EPA) for review in November 2019. BMP is drafting changes to GP-104, which expires in February 2021, hoping to include GFCCs, Consent Agreements, and to fix errors in monitoring and reporting requirements. BMP is also preparing the final draft of GP-106.

- **NPDES Permitting:**

- As of December 6, 2019, Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 423 of these permits, ten of which were non-coal.
- Monthly calls with the US EPA continue as usual.

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

- Between March 2016 and December 2019, the numbers of inspectable units fell for both small facilities (two categories: < 2,000 tons/year and, < 10,000 tons/year) and, for 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 showed no change.

- Between 2014 and 2019, the ranges for various application types included the following:
  - Licenses: between 1,204 (2015) and 1,098 (2018), with 981 for 2019.
  - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2019.
  - Small Facilities (New): between 51 (2016) and 32 (2018), with 27 for 2019.
  - NPDES (New): between 33 (2018) and 13 (2016), with 24 for 2019.
  - NPDES (Renewal): between 88 (2016) and 50 (2014), with 46 for 2019.
  - Pre-Applications: between 8 (2014) and 2 (2016), with 7 for 2019.

- **Bonding and Bond Forfeitures:**

- Between 2013 and 2019, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015), with 3 for 2019 (1 rescinded).
- Between 2013 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 3 for 2019.
- Mr. Carl also provided the Board with updated figures for noncoal bond rates, based on evaluations on coal bond rates, specifically affecting revegetation and earth moving requirements. This information was published in the PA Bulletin, and effective as of February 2, 2020.

- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**

As of the meeting date, there were 64 Coal Mining Exploration Notices. Operator registration continues to improve, and the BMP is increasing accessibility of information for both the EPA and in general. By December 2020, all inspections, including underground and blasting, should be available in mobile format.

- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**

- As of the latest report, there is over \$2.5 million in cash collateral, \$2.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
- The NCSMCRA fiscal report showed about \$2.5 million in general operations monies, with about \$2.5 million in collateral and over \$891,000.00 in restricted bond monies.

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

Between Fiscal Year (FY) 2013-2014 and FY 2019-2020 (to date), CWF mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a high of \$646,500.00 (FY 2015-2016), with \$589,049.00 collected so far for FY 2019-2020.

## **NEW BUSINESS**

### **Update from District Mining Offices**

Mr. Sammarco provided the Board with an overview of DMO operations, primarily focused around the vacant positions which continue to be filled.

### **PA Map of Noncoal Sites Requiring Reclamation**

Mr. Oliver provided the Board with a map detailing forfeited noncoal sites requiring reclamation throughout the state, as of January 2020. This map is available among the Board handouts for detailed review.

### **ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 11:45 a.m. The Board will meet again on May 6, 2020 at 10:00 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Wednesday, May 6, 2020**  
**Virtual Meeting (via Skype)**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))  
Ronald Kurpiel (Alternate – Hanson Aggregates)  
Griffin Caruso (Alternate – PA House of Representatives)  
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)  
Paul Detwiler, III (Member – Enterprise Stone and Lime)  
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))  
Nick Troutman (Alternate – PA Senate)  
Timothy Collins (Alternate – PA Senate)  
Thaddeus Stevens (Member – Citizens Advisory Council (CAC))  
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)  
Eric Oliver (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Kevin Bogdan (DEP – BMP)  
Ross McMann (DEP – BMP)  
Geoff Lincoln (DEP – BMP)  
Jennifer Gulden (DEP – BMP)  
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))  
Kate Cole (DEP – Policy Office)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

Josie Gaskey (Guest – PACA)  
Andrew Gutshall (Guest – Lehigh-Hanson)  
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)  
Rachel Odzer (Guest – Keystone Cement)  
Beth Kern (Guest)

**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 6, 2019 meeting was put forward by Mr. Vlahos and seconded by Mr. Detwiler. The minutes were approved without comment.

## **CORRESPONDENCE**

There was no new correspondence.

## **COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical (RLT) Committee met on March 30 to discuss revisions to the Chapter 77 regulations. BMP provided the Board with full details on the several minor changes that were identified. Mr. Detwiler made the motion to move the Chapter 77 regulatory package forward, pending said changes. Mr. Weston seconded, with Board approval following.

## **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 as of April 1, 2020.
- **Non-Regulatory Agenda:**  
The Engineering Manual will be available as a draft for Board review at the next full meeting. It is expected to have a longer review period because of its length.
- **Regulatory Agenda:**  
(See "Committee Reports")
- **Technical Items:**  
The Pond Certification and Public Meetings Standard Operating Procedures (SOPs) were published, as well as the National Pollutant Discharge Elimination System (NPDES) revised application. GP-104 was sent to United States Environmental Protection Agency (US EPA) for review, and the final draft of GP-106 is current under preparation.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
  - As March 25, 1091 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 423 of these permits, ten of which were non-coal.
  - There have been no monthly US EPA calls since February.
- **Program Overview (Facilities and Applications):**
  - Between March 2016 and March 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 showed no change.

- Between 2015 and 2019, the ranges for various application types included the following:
  - Licenses: between 1,204 (2015) and 1,098 (2018), with 213 for 2020.
  - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2020.
  - Small Facilities (New): between 51 (2016) and 27 (2019), with 0 for 2020.
  - NPDES (New): between 33 (2018) and 13 (2016), with 2 for 2020.
  - NPDES (Renewal): between 88 (2016) and 46 (2019), with 14 for 2020.
  - Pre-Applications: between 8 (2014) and 2 (2016), with 0 for 2020.
- **Bonding and Bond Forfeitures:**
  - Between 2014 and 2019, the number of bond forfeitures for large operators ranged from a low of 0 (2016, 2018) to a high of 3 (2015), with 0 for 2020.
  - Between 2014 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 0 for 2020.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**

As of the meeting date, there were 77 Coal Mining Exploration Notices. The Greenport user interface was made more accessible, and operator registration continues to improve.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
  - As of the latest report, there is over \$2.5 million in cash collateral, \$2.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - The NCSMCRA fiscal report showed about \$2.5 million in general operations monies, with about \$2.5 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 2019-2020 (to date), CWF mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$646,500.00 (FY 2015-2016), with \$763,349.00 collected so far for FY 2019-2020.

## **NEW BUSINESS**

### **Update from District Mining Offices**

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are teleworking, even those under reduced lockdown guidance. Mission critical inspections are still taking place.

## **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was made by Mr. Vlahos and seconded by Mr. Detwiler. After Board approval, the meeting concluded at approximately 11:00 a.m. In accordance with the Governor's emergency disaster declaration and based on advice from the Pennsylvania Department of Health regarding the mitigation of the spread of novel Coronavirus (COVID-19), the upcoming Aggregate Advisory Board meeting is currently scheduled to be held in a virtual format, via Skype, at 10 a.m. on August 5, 2020. Anyone wishing to join the meeting may do so remotely. Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting

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

**Wednesday, August 5, 2020**

**Virtual Meeting (via Skype)**

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

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))  
Ronald Kurpiel (Alternate – Hanson Aggregates)  
Griffin Caruso (Alternate – PA House of Representatives)  
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)  
William Ruark (Member – Meshoppen Stone, Inc.)  
Paul Detwiler, III (Member – Enterprise Stone and Lime)  
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))  
Nick Troutman (Alternate – PA Senate)  
Timothy Collins (Alternate – PA Senate)  
Rep. Ryan Mackenzie (Member – PA House of Representatives)  
Rep. Mike Carroll (Member – PA House of Representatives)  
Thaddeus Stevens (Member – Citizens Advisory Council (CAC))  
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)  
Eric Oliver (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Geoff Lincoln (DEP – BMP)  
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))  
Kate Cole (DEP – Policy Office)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)  
Josie Gaskey (Guest – PACA)  
Andrew Gutshall (Guest – Lehigh-Hanson)  
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 6, 2020, meeting was put forward by Mr. Vlahos and minutes were approved without comment.



## **CORRESPONDENCE**

There was no new correspondence.

## **COMMITTEE REPORTS:**

The RLT Committee had no new business to report.

## **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 as of June 2020.

- **Non-Regulatory Agenda:**

The updated Engineering Manual is being prepared for an extended comment period due to its size. The Board's RLT Committee will host a meeting to review the draft Engineering Manual ahead of it being published for public comment.

- **Regulatory Agenda:**

Chapter 77 is currently being routed through the DEP in order to be presented to the Environmental Quality Board (EQB) at a future meeting likely in Quarter 4 of 2020. If approved by the EQB, it will be published in the *Pennsylvania Bulletin* opening a public comment period.

- **Technical Items:**

GP-106 has been finalized, and the Small Noncoal Application was updated and should be completed within a few weeks. BMP is working with the United States Environmental Protection Agency (US EPA) to resolve several issues with the current proposed version of GP-104, which is set to expire in February 2021. The Board will continue to be provided with updates as the revision continues.

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

- As June 2nd, 1,104 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 441 of these permits, ten of which were non-coal.
- Monthly calls with the US EPA have continued and have mainly focused on the GP-104.

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

- Between March 2016 and June 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 slightly.
- Between 2015 and 2020, the ranges for various application types included the following:
  - Licenses: Between 1,204 (2015) and 981 (2019), with 480 for 2020.
  - Large Facilities (New): Between 11 (2015) and 4 (2016), with 7 for 2020.
  - Small Facilities (New): Between 51 (2016) and 27 (2019), with 9 for 2020.

- NPDES (New): Between 33 (2018) and 13 (2016), with 5 for 2020.
  - NPDES (Renewal): Between 88 (2016) and 46 (2019), with 27 for 2020.
  - Pre-Applications: Between 8 (2014) and 2 (2016), with 1 for 2020.
- **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 0 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 4 for 2020.
  - **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**

BMP has been working with IT to incorporate a Bonding module for the Coal Mining Application, and have also been continuing to develop a module in which BMP staff can create applications directly, rather than contacting IT. BMP is continuing to encourage operators to register and are working with inspectors to promote e-permitting directly. Explosives inspections are now available on the mobile platform, and several inspectors will begin using it in the upcoming weeks.
  - **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 \$1.9 million in general operations monies, with about \$2.6 million in collateral and over \$1 million in restricted bond monies.
  - **CWF Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2019-2020 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$646,500.00 (FY 2015-2016), with \$793,642.00 collected so far for FY 2019-2020.

## **NEW BUSINESS**

### **Update from District Mining Offices**

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are continuing to telework. Mission critical inspections are still taking place. Vacant positions within the DMOs continue to be filled.

### **Small Operator Compliance Issue**

Mr. Ruark informed the Board about a potential issue in which some small operators are at risk of forfeiting their bonds because of noncompliance. Instead of forcing those operators to post additional bonds or forfeit entirely, the idea was put forward of allowing operators to reclaim adjacent lands in order to remain compliant.

## **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was made by Mr. Vlahos and Mr. Weston. After Board approval, the meeting concluded at approximately 11:20 a.m. The next scheduled meeting is to be held via Skype at 10:00 a.m. on November 4, 2020. Anyone wishing to join the meeting may do so remotely.

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Wednesday, November 4, 2020**  
**Virtual Meeting (via Skype)**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))  
Ronald Kurpiel (Alternate – Hanson Aggregates)  
Griffin Caruso (Alternate – PA House of Representatives)  
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)  
William Ruark (Member – Meshoppen Stone, Inc.)  
Paul Detwiler, III (Member – Enterprise Stone and Lime)  
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))  
Nick Troutman (Alternate – PA Senate)  
Timothy Collins (Alternate – PA Senate)  
Timothy Weston (Member – CAC)

**OTHER ATTENDEES:**

William Allen (DEP – Bureau of Mining Programs (BMP))  
Bruce Carl (DEP – BMP)  
Sharon Hill (DEP – BMP)  
Gregory Greenfield (DEP – BMP)  
Geoffrey Lincoln (DEP – BMP)  
Kevin Bogdan (DEP – BMP)  
Ross McMann (DEP – BMP)  
Michael Plazek (DEP – BMP)  
Keith Previc (DEP – BMP)  
Gregory Shuler (DEP – BMP)  
James Charowsky (DEP – BMP)  
Jennifer Gulden (DEP – BMP)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)  
Daniel Sammarco (DEP – Bureau of District Mining Operations (DMO))  
Amy Berrios (DEP - AAMO)  
Kate Cole (DEP – Policy Office)  
Christopher Minott (DEP – Legal)  
Josie Gaskey (Guest – PACA)  
Andrew Gutshall (Guest – Lehigh-Hanson)  
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 August 5, 2020 meeting was put forward by Mr. Detwiler and seconded by Mr. Weston. The minutes were approved without comment.

## **CORRESPONDENCE**

There was no new correspondence.

## **COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical (RLT) Committee met on September 18, 2020 to discuss the Engineering Manual. The DEP acknowledged the comments made in the meeting from the Committee. The Engineering Manual has been published for public comment in the *PA Bulletin*.

## **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 as of September 2020.

- **Non-Regulatory Agenda:**

The updated Engineering Manual has been published for in the *PA Bulletin*. Due to its size, the public comment period will last until January 28, 2021.

- **Regulatory Agenda:**

Chapter 77 has received approval to be on the agenda of the November Environmental Quality Board (EQB) meeting, after which it will go for public comment.

- **Technical Items:**

The Small Noncoal Application, Bond Calculation form, and Bond Release form have all been updated and are available online. Older versions of the form received in the next few weeks will still be accepted.

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

- As August 28th, 1,127 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 445 of these permits, ten of which were non-coal.
- Monthly calls with the US EPA have continued and have mainly discussed data uploads to the US EPA database from the DEP Water Management database, as well as permit information and Discharge Monitoring Report (DMR) uploads.

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

- Between March 2016 and September 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 981 (2019), with 608 for 2020.
  - Large Facilities (New): between 11 (2015) and 4 (2016), with 7 for 2020.
  - Small Facilities (New): between 51 (2016) and 27 (2019), with 6 for 2020.
  - NPDES (New): between 33 (2018) and 13 (2016), with 6 for 2020.
  - NPDES (Renewal): between 88 (2016) and 46 (2019), with 38 for 2020.
  - Pre-Applications: between 8 (2014) and 2 (2016), with 3 for 2020.
- **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 0 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 7 for 2020 (1 rescinded).
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
  - Eighty-six Coal Mining Exploration Notices have been received in system.
  - By the end of November, the BMP is hoping to release the Annual Production Report in web application form. Online training will be available, but Green Port accounts are required. The bonding module is completed for the Coal Surface Mining Application. The IT department is continuing work on the Maintenance module, which will allow the BMP staff to develop applications within house. The module is tentatively scheduled to be finished by the end of the year.
- **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 \$1.7 million in general operations monies, with about \$2.6 million in collateral and over \$1 million in restricted bond monies.
- **CWF Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2019-2020 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$646,500.00 (FY 2015-2016), with \$118,120.00 collected so far for FY 2019-2020.

## **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.

## **GP-104 Reissuance**

GP-104 is nearing a deadline for issuance in February 2021. It will affect over 700 operators. The BMP is working with the US EPA throughout the revision process and hopes to have the permit in place before the February guideline. An electronic renewal system should be in place in time for the 2026 reissuance.

Under the new guidance from the US EPA, all permit coverages will expire on the same day. There are currently permits with staggered dates who need to be on the same schedule. The BMP will send out letters to operators requiring certified acceptance to the new permit coverage, or they will need to apply for a new permit within a certain timeframe. Upon acceptance, operators would then be reissued coverage under the new issuance until the 2026 expiration date.

The BMP is working with the US EPA throughout the revision process and hopes to have the permit in place before the February guideline. An electronic renewal system should be in place in time for the 2026 reissuance. The BMP is awaiting formal acceptance from the US EPA on the proposed revisions.

## **Meetings for 2021**

The Board established that it would meet in 2021 on February 3, May 5, August 4, and November 3.

## **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was made by Mr. Vlahos and Mr. Weston. After Board approval, the meeting concluded at approximately 11:20 a.m. The next scheduled meeting is to be held via Skype, at 10 a.m. on February 3, 2021. Anyone wishing to join the meeting may do so remotely.