

AGGREGATE ADVISORY BOARD

2015 ANNUAL REPORT



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 noncoal mining. This collaborative approach results in commonsense regulations and policies built on sound science. I look forward to working 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 serve as the first Vice-Chair of the newly formed 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 open, candid discussions relating to noncoal mining at these Board meetings.



Mark Snyder

President, Mid Atlantic Region, Oldcastle Materials



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EVERY AMERICAN
WILL NEED 1.18
MILLION LBS
OF STONE, SAND &
GRAVEL IN THEIR
LIFETIME.

History and Purpose of 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](#). 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](#), 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.

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.

All members are appointed for a term of two years except one-half of the initial members serve for three years. All actions of the Board are by majority vote. Per statute, the Board meets at least quarterly to carry out its duties. 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.

WHAT ARE AGGREGATES?

Aggregates are stone, rock and construction sand and gravel that are mined and dredged. They are among the most abundant natural resources and a major basic raw material used by construction, agriculture and other industries. They are a major contributor to the economic well-being of the Commonwealth and the Nation.

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.

All members are appointed for a term of two years except one-half of the initial members serve for three years. All actions of the Board are by majority vote. The Board meets at least quarterly to carry out its duties.

See Appendix C for 2015 Membership list. Current Membership list, as well as other information, can be found on the DEP's website [here](#).

Officers

At the initial meeting of the Aggregate Advisory Board meeting of May 13, 2015, Secretary John Quigley assigned his chair position to Executive Deputy Secretary John Stefanko, DEP. Elected by the Board as Vice-Chair is Mark Snyder, President, Mid-Atlantic Region, Oldcastle Materials, Pennsy Supply, Inc.

Committees

At the May 13, 2015 first meeting, two Committees were established. This included the Regulatory, Legislative and Technical Committee and the Annual Report Committee.

The purpose of the Annual Report Committee is to fulfill the requirement of the Act for an annual report of the Board's 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.

The purpose of the Regulatory, Legislative and Technical Committee was first discussed at the May 2015 meeting and the following statement 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.

At the May 2015 Board meeting, the Board voted unanimously to designate six persons to serve as members of the 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.

2015 Meetings

Full Board meetings were held May 13, 2015, August 12, 2015 and November 20, 2015. A tour of Pennsy Supply Millard aggregate facility was held on August 11, 2015 in conjunction with the August 12, 2015 meeting. Meeting minutes can be found [here](#) on DEP's website; Appendix D of this report contains summaries of the full Board meetings.

The Regulatory, Legislative and Technical Committee met on September 22, 2015, October 23, 2015 and December 18, 2015 to discuss mine permit fees.

Major Activity

In 2015, the Aggregate Advisory Board:

- ❖ appointed Mark Snyder as Vice-Chair of the Aggregate Advisory Board,
- ❖ developed, discussed and approved the bylaws (see Appendix C), and
- ❖ developed, discussed and approved the formation of two committees—the Regulatory, Legislative and Technical Committee and the Annual Report Committee (see above for the missions of these two Committees).

Additionally, as part of the August 12, 2015 meeting, [Pennsy Supply, Inc.](#) hosted members of the Board, the DEP Department of Active and Abandoned Mine Operations, and the Citizens Advisory Council for a tour of their Annville aggregate mine facility. This facility plays an important role in the community of Annville having mined aggregates for nearly 100 years. Pennsy Supply, Inc. is the largest producer of aggregate in north and central Pennsylvania, producing more than nine million tons every year consisting of primarily crushed stone, sand and gravel, mining mostly

**IN PENNSYLVANIA,
PENNDOT AND
THE TURNPIKE
COMMISSION ARE
THE TWO BIGGEST
CONSUMERS OF
AGGREGATES.**

dolomitic limestone and calcium carbonate. The Millard facility in Annville grinds +94 percent calcium carbonate material.

The first major issue for this Board was to begin the discussion of possible revisions to the noncoal mine permit fees. DEP Bureau of Mining Programs, in response to members of the Aggregate Advisory Board's request, supplied [information](#) relating to the noncoal mine permit fees. The Board charged the Regulatory, Legislative and Technical Committee with evaluating the information supplied by DEP and developing a recommendation regarding any change in fees.

In order to analyze and understand the information provided by the DEP, the Committee met three times with DEP Bureau of Mining personnel between August 2015 and December 2015. The Committee will meet again in 2016 on this issue to provide the recommendation.

**ACCORDING TO THE USGS, PENNSYLVANIA IS
THE SECOND LEADING STATE IN THE NATION
IN PRODUCTION OF CRUSHED STONE.**

Appendix A

PRIOR PRINTER'S NOS. 1529, 1806

PRINTER'S NO. 2112

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1155 Session of
2013

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

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

AN ACT

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

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

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

Section 18. Surface Mining Conservation and Reclamation Fund; Remining Environmental Enhancement Fund; Remining Financial Assurance

Fund; Department Authority for Awarding of Grants.--* * *

(g.1) There is hereby created an Aggregate Advisory Board to assist the secretary to expend the funds for the purposes provided by section 17 of the act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," and to advise the secretary on all matters pertaining to surface mining, as defined in section 3 of the "Noncoal Surface Mining Conservation and Reclamation Act," which shall include, but not be limited to experimental practices, alternate methods of backfilling, obligations for preexisting pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods. The board shall function as follows:

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

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

(3) All members shall be appointed for a term of two (2)

years, except that one-half of the initial members shall serve for three (3) years.

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

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

* * *

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

Appendix B

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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(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

AGGREGATE ADVISORY BOARD MEMBERS

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

AGGREGATE ADVISORY BOARD ALTERNATES

(as of October 2015)

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

Appendix D

AGGREGATE ADVISORY BOARD MEETINGS FOR 2015

May 13, 2015 (Harrisburg): Meeting Summary Notes

The first meeting during the reporting period was the initial meeting of the Aggregate Advisory Board itself. There were 18 Members and Alternates present (i.e., John Quigley, Chairman, Acting Secretary, Department of Environmental Protection (DEP); John Stefanko, DEP Deputy Secretary, Office of Active and Abandoned Mine Operations (Alternate); Thomas Bryan, Pennsylvania Aggregates and Concrete Association (PACA) (Member); Representative Bryan Barbin, Pennsylvania House of Representatives (Member); Terry Dayton, Citizens Advisory Council (CAC) (Member); Richard Fox, Executive Director, Pennsylvania Senate Environmental Resources and Energy Committee (Alternate); Walter Heine, CAC (Member); Robert Hughes, Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR) (Member); Representative Sandra Major, Pennsylvania House of Representatives (Member); Adam Pankake, Executive Director, Senate Environmental Resources and Energy Committee (Alternate); Mark Snyder, Pennsy Supply, Inc. (Member); Michelle Tate, Executive Director of the CAC (Alternate); and Burt Waite, CAC (Member), along with 10 DEP staff (i.e., Tom Callaghan, DEP Bureau Director, Mining Programs; Bill Allen, DEP Bureau of Mining Programs; Bruce Carl, DEP Bureau of Mining Programs; Rick Lamkie, DEP Bureau of Mining Programs; Paul Pocavich, DEP Bureau of Mining Programs; Geoff Lincoln, DEP Bureau of Mining Programs; Dan Snowden, DEP Bureau of Mining Programs/Aggregate Advisory Board Liaison; Glenn Florence, DEP Office of Active and Abandoned Mine Programs; Laura Edinger, DEP Policy Office; and Joseph Iole, DEP Bureau of Regulatory Counsel); 1 member of the Independent Regulatory Review Commission (IRRC: Scott Schalles); 2 member from Pennsylvania Aggregates and Concrete Association (PACA: i.e., Josie Gaskey; Peter Vlahos); and aggregates industry professionals not affiliated with the Board, though some of them would become alternates later (i.e., Paul Detwiler III, New Enterprise Stone and Lime Co., Inc. Tim Gourley, Dietz-Gourley Consulting, LLC Michael Hawbaker, Glenn O. Hawbaker, Inc.; Darrel K. Lewis, Allegheny Minerals Corp; Matthew McClure, Specialty Granules, Inc.; John Rice, Pennsy Supply, Inc.; William Ruark, Pennsylvania Bluestone Association (PBA); Todd Schmidt, PBA; and William R. (Rusty) Taft, Eastern Industries, Inc.).

CALL TO ORDER/INTRODUCTIONS

DEP Acting Secretary John Quigley called the meeting to order at 10:05 a.m. He addressed the Board and the audience members, stressing the overall importance of DEP's advisory committees. All persons in attendance introduced themselves. Acting Secretary Quigley then turned the meeting over to Deputy John Secretary Stefanko to chair.

LEGISLATIVE OVERVIEW

John Stefanko (DEP) briefly mentioned Act 137 of 2014, which created the Aggregate Advisory Board. The Board was created in a fashion similar to that of the Mining and Reclamation Advisory Board (i.e., composition, members' terms of service, voting, meetings (quarterly), selection of officers, and preparation of an annual report to the House and Senate Environmental Resources and Energy Committees).

BOARD OPERATIONS

Deputy Secretary Stefanko began the discussion of how the Board would operate. The following topics were covered

- **DEP Assistance:** Tom Callaghan (DEP Director, Mining Programs) noted that DEP staff will assist the Board with matters regarding updates on regulations, policies, legislation and technical matters, coordination of meetings and related matters (requesting agenda items, provision of meetings materials, reappointments of members, preparation of Board communications, maintaining Board members' status), and, administrative and logistical details (e.g., travel arrangements).
- **Bylaws for the Board:** The draft bylaws were reviewed. The Board voted unanimously to adopt the bylaws.
- **Designation of Alternates:** Deputy Secretary Stefanko recommended that each Board member send a letter from his/her respective organization to Dan Snowden (DEP - Board Liaison), naming an individual whom the Board member wants to serve as his or her alternate.
- **Selection of a Vice-Chairperson for the Board:** Following a recommendation from Walter Heine (CAC), and seconded by Representative Bryan Barbin, the Board voted unanimously to approve Mark Snyder (Pennsy Supply) as its Vice-Chairperson.
- **Committees:** Following a recommendation from Josie Gaskey (PACA) for a Legislative, Technical and Regulatory Committee to be set up to review any proposed changes to DEP regulations, policies or guidance documents regarding noncoal mining, the Board voted unanimously to form a Legislative, Technical and Regulatory Committee. The members of this committee will be Representative Barbin, Mr. Hughes, Mr. Bryan and, Thaddeus Stevens (a Board member who was absent from this meeting, but recommended by Mr. Waite). An Annual Report Committee was also mentioned; Burt Waite (CAC) volunteered to act as chair of this committee.
- **Future Board Meetings Schedule:** The Board voted unanimously to hold its meetings on a quarterly basis (February, May, July and November) with the caveat (per Jonathan Lutz (PA House of Representatives) and Representative Barbin) that the meetings not occur on days when the General Assembly is in session. Additionally, for the Board's forthcoming summer meeting (August 2015), Mr. Snyder and Robert Hughes (EPCAMR) recommended that a field trip be included with this meeting, similar to the arrangement that exists for the Mining and Reclamation Advisory Board's (MRAB) summer meeting (July 2015).

DEP REPORTS

Bill Allen (DEP) discussed standard regulatory and related reporting. He stated that such reports are provided to the MRAB during that advisory committee's meetings, and asked if the Board would like to see similar information. The Board voted in favor of receiving such information during its meetings.

The reports provided here included the following:

- **Technical Guidance (Non-Regulatory Agenda):** Several DEP guidance documents that were under revision: A) *mining pre-applications*; B) *the Engineering Manual (this document is in its*

final stages of revision); C) Blaster's License Suspension; D) Coal Ash; E) General Permit (GP) Materials; F) Civil Penalties (this document will include elements of the National Pollutant Discharge Elimination Standards (NPDES) program as part of its revisions, in order to calculate penalties); H) Government-Financed Construction Contracts (GFCCs); and H) Reclamation Fill.

- **Regulatory Updates:** Several sets of regulations that are slated for revision: A) 25 PA Code, Chapters 210 and 211 (the regulations for the Storage, Handling and Use of Explosives); B) Fees (related to coal); and C) 25 PA Code, Chapter 77 (Noncoal Mining regulations).
- **NPDES Permitting Update:** As of March 31, 2015, 29 noncoal draft permits have been sent to the United States Environmental Protection Agency (US EPA), which provided comments or objections to eight of these noncoal draft permits. The issues related to the US EPA comments and objections are related to the following: A) the Checklist; B) Remining and Total Maximum Daily Loads (TMDLs); and C) Sediment Pond Sampling on TMDLs. The NPDES permitting statistics were also part of this presentation; to date, 303 mining permits have been issued, with 4 such permits awaiting issuance and 25 such permits pending - all with comments from US EPA.
- **Historical Application Progress for Noncoal Mining Permit Applications:** As of April 8, 2015, 403 noncoal mining permits have been disposed (all of these are from the Pottsville District Mining Office), with 41 such permits awaiting action (including 19 renewals).
- **Fee Revenues (1st Quarter of 2015):** Fees received from noncoal permit applications from the first quarter of 2015 were discussed first. These totaled \$1,147,050.00 in annual administrative permitting fees, and \$241,310.00 in permit application fees received). Noncoal fee revenues for the 2012-2013, 2013-2014 and 2014-2015 fiscal years (FYs) were also reported: A) FY 2012-2013: \$589,925.00 collected in administrative fees, and \$229,755.00 collected in permit application fees; B) FY 2013-2014: \$1,367,950.00 collected in administrative fees, and \$410,525.00 collected in permit application fees; and C) FY 2014-2015 (through March): \$1,147,050.00 collected in administrative fees, and \$241,310.00 collected in permit application fees. Details regarding the Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Revenues were shared (the Board is interested in seeing more of this information, in order to understand how the funding operates as a whole); the elements of the NCSMCRA fund revenues include the following (through March 2015): A) Interest: \$184,943.00; B) Penalties: \$64,045.26; C) License Fees: \$155,492.20; and Payments In-Lieu of Bond (PILBs): \$80,948.30. Lastly, revenues received from mining fees related to the Clean Water Fund (CWF) (including NPDES and Chapter 105 fees) for FY 2012-2013, FY 2013-2014, and FY 2014-2015 were provided: A) FY 2012-2013: \$247,800.00 in CWF fee revenue collected; B) FY 2013-2014: \$523,296.00 in CWF fee revenue collected; and C) FY 2014-2015 (through March): \$340,479.00 in CWF fee revenue collected.
- **Noncoal Fees: 3-Year Report to the Environmental Quality Board (EQB):** The Noncoal Fee 3-Year Report to the EQB was shared with the Board. The current disparity with noncoal program revenues and expenditures was the main point; this was due to: 1) noncoal fees were based upon 2009 wage rates (unchanged to date); 2) the increased benefit rate was not anticipated (87% of salaries, as opposed to 40%); and 3) a decreasing number of permit applications, coupled with an increase in application complexity. Due to the aforementioned situations, an increase in fees is needed to cover the costs of the noncoal

program. The Board discussed the Noncoal Fee Report. After this discussion, the Board voted unanimously to forward the report to the EQB.

- **Program Overview - Facilities:** There are 2,091 total inspectable units, which are broken down as follows: A) Small Facilities (< 2,000 tons/year): 1,027 units (inspected twice a year); B) Small Facilities (< 10,000 tons/year): 313 units (inspected twice a year); C) Large Facilities (> 10,000 tons/year): 783 units (inspected four times a year); D) General Permit Facilities (GP-105): 49 units (inspected twice a year); E) General Permit Facilities (GP-103): 10 units (inspected twice a year); and F) Underground Facilities: 9 units (inspected twice a year).
- **Program Overview - Noncoal Mining Applications (2014 calendar year):** A) Licenses: 1,247 (with 37 new applications); B) New Permits (Large Operators): 17; C) New Permits (Small Operators): 39; D) NPDES Permits: 79 (with 63 as GP-104); and E) Pre-Applications: 15.
- **Program Overview - Noncoal Bonding:** A) Surety Bonds: \$214,854,196.62; B) LOC Bonds: \$32,876,713.24; C) Certificates of Deposit (CDs): \$4,999,986.01; D) Cash: \$1,924,369.60; E) Negotiable Securities: \$141,579.44 and F) PILBs: \$1,936,717.68.

DRAFT PROPOSED RULEMAKING: HANDLING AND USE OF EXPLOSIVES

Rick Lamkie (DEP) reported on changes to Chapters 210 (Blaster's Licenses) and 211 (Storage, Handling and Use of Explosives). The proposed changes in Chapter 210 are related to definitions, compliance with relevant Federal regulations and license applications (increased fees).

NORTHERN LONG-EARED BAT - THREATENED SPECIES LISTING

Geoff Lincoln (DEP) briefed the Board on the U. S. Fish and Wildlife Service's (USFWS) Interim Final 4(d) Rule to list the Northern Long-Eared Bat as a Threatened Species. The connection of this rule to noncoal mining operations is significant due to: A) *the northern long-eared bat's presence throughout Pennsylvania;* and B) *the occurrence of white-nose syndrome in northern long-eared bat hibernacula in half of Pennsylvania's counties.* Unlike in the coal mining program where there is a Federal nexus (the U. S. Office of Surface Mining Reclamation and Enforcement (OSMRE)) for dealing with the combination of endangered or threatened species and mining operations, there is no such Federal nexus available for noncoal operations.

Mr. Lincoln recommended that several key areas be explored in order for noncoal operators to address the northern long-eared bat issue: A) *Running the Pennsylvania Natural Diversity Inventory (PNDI) again in areas where they had been run previously due to the current USFWS listing for the northern long-eared bat;* B) *Updating the PNDI tool on the DCNR website to include the northern long-eared bat;* and C) *Getting stakeholders in place to determine the appropriate actions to deal with issues regarding the northern long-eared bat and impacts to noncoal mining operations in Pennsylvania.*

The Board plans to evaluate the northern long-eared bat issue further at its next meeting.

OPEN TIME

No questions or comments were received.

NEXT MEETING

A specific date for the next Board meeting was not determined; however, the Board did decide to hold the meeting in August and to have a field trip included as part of it (similar to the Mining and Reclamation Advisory Board's summer meeting in July).

ADJOURNMENT

The Board meeting adjourned at approximately 12:30 p.m.

**August 12, 2015 (Harrisburg - Following Millard Quarry Tour in Annville (August 11, 2015)
(Meeting Summary Notes)**

The second meeting of the reporting period followed a tour of the Millard Quarry in Annville (this was the field trip for the Aggregate Advisory Board) that was held on the previous day. There were 20 Members and alternates present (i.e., John Stefanko, Department of Environmental Protection (DEP): Deputy Secretary, Office of Active and Abandoned Mine Operations (Alternate, Chairman); Thomas Bryan, Bryan Materials Group (Member); Representative Bryan Barbin, Pennsylvania House of Representatives (Member); Terry Dayton, Citizens Advisory Council (CAC) (Member); Paul Detwiler, III, New Enterprise Stone and Lime Co., Inc. (Alternate); Richard Fox, Executive Director, Senate Environmental Resources and Energy Committee (Alternate); Mike Hawbaker, Glenn O. Hawbaker, Inc. (Alternate); Walter Heine, CAC (Member); Robert Hughes, Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) (Member); Jonathan Lutz, Executive Director, House Environmental Resources and Energy Committee (Alternate); Representative Sandra Major, PA House of Representatives (Member); Adam Pankake, Office of Senator Gene Yaw (Alternate); William Ruark, PA Bluestone Association (PBA) (Member); Todd Schmidt, PBA (Alternate); Mark Snyder, Pennsy Supply, Inc. (Member, Vice-Chairman); Thaddeus Stevens, CAC (Member); Patty Tamayo, Office of Representative Bryan Barbin (Alternate); Michelle Tate, Executive Director of the CAC (Alternate); Peter T. Vlahos, PACA (Alternate); and Burt Waite, CAC (Member)), along with 11 DEP staff (i.e., Bill Allen, DEP Bureau of Mining Programs; Tom Callaghan, DEP Bureau Director, Mining Programs; Bruce Carl, DEP Bureau of Mining Programs; Laura Edinger, DEP Policy Office; Jennifer Gulden, DEP Bureau of Mining Programs; Sharon Hill, DEP Bureau of Mining Programs; Shuvonna Perry, DEP Bureau of Mining Programs; Mike Plazek, DEP Bureau of Mining Programs; Paul Pocavich, DEP Bureau of Mining Programs; and Dan Snowden, DEP Bureau of Mining Programs/ Aggregate Advisory Board Liaison); and, one representative each from industry (i.e., Darrel K. Lewis, Allegheny Minerals Corp.); the IRRRC (i.e., Michelle Elliott); and PACA (i.e., Josie Gaskey). Board Chairman Stefanko called the meeting to order at 9:59 a.m. All persons in attendance introduced themselves.

CORRESPONDENCE

No correspondence was reported for the Board.

COMMITTEE REPORTS

Peter Vlahos (PACA) reported that the Regulation, Legislation and Technical (RLT) Committee met via conference call on July 15th, 2015 to formally set up this committee and develop the following mission statement:

"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.”

Tom Callaghan (DEP) added that the Committee should meet between full Board meetings and, that its first case would involve the Noncoal Fee regulations. After some discussion, the Board voted unanimously to designate 6 persons to serve as members of the Committee: Rep. Bryan Barbin; Paul Detwiler, III; Richard Fox; William Ruark; Mark Snyder; and Thaddeus Stevens.

FEEDBACK ON THE MILLARD QUARRY TOUR

On August 11th, 2015, Board members and alternates, along with DEP staff and others, attended a tour of the Millard Quarry operation, owned by Pennsy Supply. Overall commentary was positive; the experience of the tour was found to be a unique educational experience for some, while providing unique perspectives for others (being able to view both the operating quarry and the recently closed quarry; visiting an actual quarry for the first time). Mr. Snyder thanked all those who participated in the tour, touting Pennsy Supply’s core value of community outreach.

UPDATES

Technical Guidance: Bill Allen (DEP) began with by reporting that there was a new technical guidance document regarding the actual development of guidance; he also provided the status of mining-related guidance documents: A) Pre-Applications: In process; B) Engineering Manual: With the Office of Chief Counsel; will be published for comment; C) Blaster’s License Suspension: In the finalization stages; the existing matrix in this guidance document may be scrapped for a point system; D) Coal Ash: In process; E) General Permit (GP) Materials: In process; F) Civil Penalties: In the routing process; this guidance document will include changes on National Pollutant Discharge Elimination System (NPDES)-related violations; G) Government Financed Construction Contracts (GFCCs): In process; H) Reclamation Fill: This specific technical guidance document (TGD 563-2000-301 - Use of Reclamation Fill at Active Noncoal Sites) was a subject of interest. The document is being finalized in the Mining Program and will go to the Policy Office next. Sharon Hill (DEP) explained that changes to the TDG are related to program consistency (Mining Programs and Act 2/Chapter 250), with special concerns about the quality of imported materials used at mine sites for reclamation and, chemical constituent standards (in this case, Statewide Health Standards). The Board will get the document with changes, and it will be an agenda item for its next meeting (November 10th, 2015 - tentative); prior to this, the document will be reviewed by the Board’s Regulatory, Legislative and Technical Committee. Additionally, the Cleanup Standards Scientific Advisory Board will review the document at its December 16th, 2015 meeting.

Regulatory Update: The following regulatory packages were mentioned:

- Chapters 210 (Blasters’ Licenses) and 211 (Storage, Handling and Use of Explosives): These are being rewritten to include language related to the use of explosives for seismic exploration and, to civil penalties for explosives violations that are not related to mining activities.
- Noncoal Fees: This set of regulations is discussed in detail later during the meeting.
- Noncoal Program (Chapter 77): This set of regulations may be removed from the Regulatory Agenda due to its having few substantive changes (Board input is sought on this).

NPDES Permitting Update: As of 7/31/15, 30 noncoal permits were sent to the US EPA, which provided comments to or objected on 6 of these, while 19 of these were issued without comments (including 15 “no comment” letters). None of the permits issued were awaiting a 30-day period. The findings of the June 11, 2015 letter from EPA about the DEP request to reinstate its waiver of review for NPDES permits within the Monongahela River and its tributaries were also highlighted; the issues raised in the letter included: A) *Identifying parameters of concern*; B) *Conducting appropriate Reasonable Potential Analysis (RPA)*; C) *Appropriate use of water quality spreadsheets (WQSSs)*; D) *Effluent Characterization (US EPA inquiry about a small business exemption in the permits (i.e., based on coal tonnages- this appeared to be indefensible))*; E) *Water Quality-Based Effluent Limits (WQBELs) for sedimentation ponds and non-Total Maximum Daily Loads (TMDLs) -these are not changing in mining NPDES permits; DEP had addressed this matter*; F) *Alternate Precipitation Limits*; G) *Flow Schematic*; H) *Fact Sheet*; I) *TMDLs*; J) *Checklist with a timeline*; and K) *Review of selected draft permits*.

Historical Applications (Noncoal): As of 7/31/15, 408 of 444 noncoal permit applications were disposed, all of which came from the Pottsville District Mining Office. Of these, only 8% (36 permit applications) remain for action; there are also 17 permit renewal applications included among these figures.

Permit Decision Guarantee (PDG) Applications (Noncoal): Details on the status of noncoal permit applications subject to the PDG (based on how many permit applications received, issued, withdrawn and, returned or denied - per DMO) were shared: A) Pottsville DMO: 581 permit applications received; 379 permits issued; 17 permit applications withdrawn; and 10 permit applications returned or denied. On-time performance: 62.3%; B) Moshannon DMO: 217 permit applications received; 178 permits issued; 10 permit applications withdrawn; and 10 permit applications returned or denied. On-time performance: 88.2%; C) New Stanton DMO: 113 permit applications received; 87 permits issued; 2 permit applications withdrawn; and 2 permit applications returned or denied. On-time performance: 66.7%; D) Cambria DMO: 145 permit applications received; 113 permits issued; 1 permit application withdrawn; and 4 permit applications returned or denied. On-time performance: 80%; and E) Knox DMO: 353 permit applications received; 311 permits issued; 7 permit applications withdrawn; and 4 permit applications returned or denied. On-time performance: 92.3%.

It was also reported that as of 7/31/15, for on-time PDG performance, there were 276 noncoal PDG applications pending. Of these, 24 were small operators, 61 were large operators, and 129 were NPDES-related. A few other PDG applications were related to blast plans, completion reports, and GPs). The average number of days elapsed under the PDG was 173. Additionally, for noncoal PDG applications that were overdue, these totaled 144 (with 8 small operators, 25 large operators and 82 NPDES-related). Here, the average number of days elapsed was 288. Board members recommended the following action items on this topic: A) *An overview of how the PDG permitting program works*; and B) *Coal PDG application information (for comparison to noncoal)*.

BOND RATE GUIDELINES (NONCOAL)

Bruce Carl (DEP) provided some initial details regarding bond rate guidelines to the Board, mentioning a few factors common to coal and noncoal site reclamation projects, including, grading, revegetation and spoil grading. Information on how bond rates are calculated was shared, via

reclamation contracts (i.e., taking the 3 lowest bids, which are then averaged out over a 3-year period to get the weighted average of yearly costs for reclamation). Annual reviews of reclamation blasting costs and bonding costs for noncoal site reclamation projects were mentioned as well; the Board requested an action item on this topic - specifically to determine the various types of information to look for with regards to full-cost bonding details.

NONCOAL FEES

Mr. Allen provided a report on noncoal fees. First, the fee schedule was mentioned (as proposed in August of 2012 and finalized in October of 2012). Information on permit fees and annual administrative fees are part of this schedule. Other sources of revenue for the Noncoal program were also mentioned, including license fees; interest; payments-in-lieu of bonds (PILBs); bond forfeitures; and cash collateral. Also considered were the factors of Noncoal Fund obligations as they relate to the overall Noncoal Program Administration; Reclamation of Bond Forfeiture sites (via restricted bonds and supplemental costs); Return of Cash Collateral upon release of bonds; and Reserves for PILBs.

Noncoal Program costs were presented as follows (based on Fiscal Year (FY) 2013-2014 data):

- **Salaries**: These comprise approximately 52.2% of total Noncoal Program costs
- **Benefits**: These comprise approximately 30.6% of total Noncoal Program costs
- **Distributions**: These comprise approximately 15.4% of total Noncoal program costs
- **Additional Costs**: These comprise approximately 2.14% of total Noncoal program costs

Similar information was shared for FY 2014-2015, as follows:

- **Salaries**: These comprise 49.23% of total Noncoal Program costs
- **Benefits**: These comprise 31.48% of total Noncoal Program costs
- **Distributions**: These comprise 15.94% of total Noncoal Program costs
- **Additional Costs**: These comprise 2.82% of total Noncoal Program costs (Other Operations)

Next, graphical information about Noncoal Program expenditures (the bulk of these cover salaries and benefits) and revenues was shared. The latter element reads as follows:

- **FY 2012-2013**: \$819,680 in fees revenue collected (\$589,925.00 collected in administrative fees and \$229,755.00 collected in permit fees).
- **FY 2013-2014**: \$1,778,475.00 in fees revenue collected (\$1,367,950.00 collected in administrative fees and \$410,525.00 collected in permit fees).
- **FY 2014-2015**: \$1,747,635.00 in fees revenue collected (\$1,427,850.00 collected in administrative fees and \$319,785.00 collected in permit fees).

Finally, graphical information about the overall status of Noncoal Program revenues and expenditures was shared. For the most part, expenditures have been higher than revenues, with the exception of FY 2010-2011.

NEW BUSINESS

Robert Hughes (EPCAMR) expressed interest in greater interaction between the coal and noncoal industries, in terms of the latter industry's supplying high-quality limestone for use in the former industry's acid mine drainage (AMD) treatment systems. He also mentioned the importance for watershed and related groups to develop operation and maintenance plans that include the replenishment of limestone for some of the various AMD treatment systems (all of the preceding was discussed at the 17th Annual Pennsylvania Abandoned Mine Reclamation (PA AMR) Conference in State College; relevant presentations are on the PA AMR web site, www.treatminewater.com).

Other items mentioned by Mr. Hughes included: A) *industry brochures or other documents that show volunteers what the various sizes of rock are in the industry and, that EPCAMR might be able to share with the abandoned mine reclamation community*; B) *his interest in providing details to the Board regarding the future of various types of AMD Treatment Systems across PA that are using limestone as a product and solution to improving the water quality in many watersheds*; and C) *his willingness to coordinate with the reclamation community to invite those volunteers and community leaders to a future site visit to a limestone quarry, outside of the Board once he was able to make some additional networking point of contacts (Glenn O. Hawbaker, Inc. was mentioned in this case).*

ENHANCING TRANSPARENCY IN THE POLICY PROCESS

Laura Edinger (DEP Policy Office) provided an overview of DEP's Technical Guidance Policy. The policy aims to provide new tools to engage with DEP and see feedback received, provide early notice as to policies and guidance DEP is working on to maximize the opportunity for public participation, and ensure DEP is engaging the experts on advisory committees. Additionally, Ms. Edinger discussed the development of a new tool, eComment, for public engagement and feedback; it can be accessed at <http://www.ahs.dep.pa.gov/eComment/>. DEP encourages commenters to use eComment to submit comments on its regulations, policies, guidance documents and other documents open for comment. DEP will continue to accept comments via email and US postal mail.

OPEN TIME

No comments or questions were received from the audience. However, members did decide on a date for the next Board meeting. This date is tentatively set for November 10th, 2015 (this will be on a Tuesday, as the following Wednesday (November 11th) is Veterans' Day). Also, a walk-through of the DEP regulatory process was recommended, to which Ms. Edinger agreed.

ADJOURNMENT

The Board adjourned the meeting at approximately 12:35 p.m.

November 10, 2015 (Harrisburg) - (Meeting Summary Notes)

Note: This meeting also had an Openscape/Web option for Board members and alternates, due to travel restrictions that had arisen from the budget impasse.

CALL TO ORDER/INTRODUCTIONS

Acting Board Chairman Richard Morrison called the meeting to order at 10:00 a.m. He explained that although he holds the position of DEP Deputy Secretary for Active and Abandoned Mine Operations, for the purposes of the Board meeting, he is serving as its Chairperson. As such, he asked that all questions regarding DEP activities be deferred to the appropriate DEP staff persons in attendance.

After this, all persons in attendance, both in person and on Openscape, introduced themselves. There were 14 Board members and alternates present (i.e., Richard Morrison, Department of Environmental Protection (DEP): Deputy Secretary, Office of Active and Abandoned Mine Operations (Alternate, Chairman); Thomas Bryan, Bryan Materials Group (Member); Terry Dayton, Citizens Advisory Council (CAC) (Member); Richard Fox, Executive Director, Senate Environmental Resources and Energy Committee (Alternate); Mike Hawbaker, Glenn O. Hawbaker, Inc. (Alternate); Katherine Hetherington-Cunfer, Acting Executive Director of the CAC (Alternate); Robert Hughes, Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) (Member) (via Openscape); Jonathan Lutz, Executive Director, House Environmental Resources and Energy Committee (Alternate); Representative Sandra Major, PA House of Representatives (Member) (via Openscape); Adam Pankake, Office of Senator Gene Yaw (Alternate); Todd Schmidt, PA Bluestone Association (PBA) (Alternate); Mark Snyder, Pennsy Supply, Inc. (Member, Vice-Chairman); Patty Tamayo, Office of Representative Bryan Barbin (Alternate); and Peter T. Vlahos, PA Aggregate and Concrete Association (PACA) (Alternate), along with 9 DEP staff (i.e., Bill Allen, DEP Bureau of Mining Programs; Tom Callaghan, DEP Bureau Director, Mining Programs; Tammy Cree, DEP, Office of Active and Abandoned Mine Operations; Laura Edinger, DEP Policy Office;; Jennifer Gulden, DEP Bureau of Mining Programs; Sharon Hill, DEP Bureau of Mining Programs; Paul Pocavich, DEP Bureau of Mining Programs; Jessica Shirley, DEP Policy Office; and Dan Snowden, DEP Bureau of Mining Programs/Aggregate Advisory Board Liaison) and 1 PACA representative (i.e., Josie Gaskey, PACA).

APPROVAL OF MINUTES

There was one revision to the minutes from the Board's August 12th, 2015 meeting - it involved the affiliation of Mr. Bryan as being with Bryan Materials Group, as opposed to PACA. Once this revision was noted, the Board voted unanimously to approve the minutes from its August 12th, 2015 meeting.

CORRESPONDENCE

No correspondence was reported for the Board.

ACTION ITEMS (AUGUST 12TH, 2015 MEETING)

- Regulatory, Legislative and Technical (RLT) Committee (i.e., setting up Committee conference call; selecting Committee chairperson; adopting Committee's mission statement; and setting dates for initial RLT Committee meetings): Completed.
- Permit Decision Guarantee (PDG) applications (i.e., information from coal-related PDG applications; providing an overview of how the permitting program works; request to have Bill Plassio (DEP - District Mining Operations) to attend a future Board meeting to discuss permit applications): Ongoing.
- Bureau of Abandoned Mine Reclamation (BAMR) update on its reclamation grant program - continued updates at future Board meetings: To be addressed at a later date.
- Bond rate guidelines - inequities; upgrading bonds for sites with large spoil piles: No follow-up on this issue; bond rate guidelines will be reviewed in 2016, both for coal and noncoal sites.

COMMITTEE REPORTS

With regard to the Mr. Snyder's summary report on the RLT Committee's September 22nd, 2015 and October 23rd, 2015 meetings with DEP, although substantial information was provided to the

Committee by DEP, there was still a need for more information (i.e., income statements/balance sheets) to make a determination as to how much it really costs to run DEP's mining program. The RLT Committee planned additional meetings for December 2015 and January 2016, prior to the next full Board meeting on February 3rd, 2016.

UPDATES

Bill Allen (DEP) provided his standard presentations on the status of various facets of the noncoal mining program:

- **Technical Guidance (Non-Regulatory Agenda):** This was all about specific DEP Guidance Documents, including:
 - Pre Applications, Blaster's License Suspension, Coal Ash, General Permit (GP) Materials, Civil Penalties and Government Financed Construction Contracts (GFCCs): All undergoing further developments.
 - Engineering Manual: In Regulatory Counsel.
 - Reclamation Fill: Refer to the presentation below (separate section).
- **Regulatory Agenda:**
 - Chapters 210/211 (Explosives/Blasting): reviewed by the Environmental Quality Board (EQB); now in Attorney General's Office.
 - Noncoal Program and Fees: Refer to the subsequent presentations in this section below.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
 - There have been 32 noncoal draft permits sent to the US EPA, which commented on or objected to 8 of these draft permits. Six of these noncoal permits have been issued and 2 more could be issued (all with comments); additionally, 21 permits have been issued, with 1 permit that could be issued and, 1 permit pending (30 days), all with no comments (including 16 "No Comment" letters).
 - Outstanding NPDES permitting issues include the following (most of these issues are related to coal permit applications): A) Checklist; B) Effluent Characterization; C) Detection limits; D) Monthly Calls; and E) US EPA Staff Turnover.
- **Historical Noncoal Permit Application Progress:** To date, 409 industrial minerals permit applications have been disposed (92.1% of the total of 444) - all from the Pottsville District Mining Office. There are 35 industrial minerals permit applications still outstanding (7.9% of the total), and 17 of these (3.8% of the total; 48.6% of the outstanding applications) are permit renewal applications.
- **PDG Applications (Noncoal):**
 - On-Time Performance for PDG Applications (District Mining Offices (DMOs)): A) Pottsville DMO: 63.1% on-time (674 applications received, 404 issued, 19 withdrawn and 11 returned or denied); B) New Stanton DMO: 68.1% on-time (124 applications received, 91 issued, 2 withdrawn, and 2 returned or denied); C) Cambria DMO: 77.1% on-time (157 applications received, 122 issued, 1 withdrawn, and 5 returned/denied);

- D) Moshannon DMO: 88.3% on-time (238 applications received, 188 issued, 10 withdrawn, and 10 returned or denied); and E) Knox DMO: 91.3% on-time (378 applications received, 334 issued, 8 withdrawn and 4 returned or denied).
- Outstanding PDG Applications (as of October 29, 2015): There are 360 PDG applications pending (including 31 small operator permits; 83 large operator permits; and 153 NPDES permits; the other 93 are a combination of general permits, blast plans, completion reports, and bonding increments). The average time elapsed: 298 days.
 - Overdue PDG Applications (as of October 29, 2015): A) Pottsville DMO: 241 applications pending (30-day review) and 136 applications overdue (317-day review); B) Moshannon DMO: 30 applications pending (80-day review) and 8 applications overdue (175-day review); C) New Stanton DMO: 28 applications pending (156-day review) and 12 applications overdue (289-day review); D) Cambria DMO: 29 applications pending (120-day review) and 13 applications overdue (216-day review); and E) Knox DMO: 32 applications pending (94-day review) and 8 applications overdue (243-day review).
 - Action Item: Assessment of what the engineers (application submitters) upon and DEP (application reviewers), focus upon during permit application preparation and review (i.e., what assistance can the Board offer during permit application submissions and reviews).
- Noncoal Fund (Fee and Related Revenues) (Note: The Board requested month-by-month information on noncoal revenues; this will be discussed further with the Board's RLT Committee):
 - Fee Revenue (3rd Quarter 2015): In the areas of Administrative Fees, Permitting Fees, and Licensing Fees, the following were applicable for the 3rd quarter of the 2015 calendar year:
 - July 2015: \$70,000.00 (administrative fees); \$67,760.00 (permitting fees); and \$10,893.00 (licensing fees).
 - August 2015: \$141,525.00 (administrative fees); \$26,760.00 (permitting fees); and \$18,800.00 (licensing fees).
 - September 2015: \$61,775.00 (administrative fees); \$21,635.00 (permitting fees); and \$13,750.00 (licensing fees).
 - Totals: \$273,300.00 (administrative fees); \$116,255.00 (permitting fees); and \$43,443.00 (licensing fees).
 - Other Revenue (3rd Quarter 2015): In the areas of Penalties, Interest and Payment In Lieu of Bond (PILB), the following were applicable for the 3rd quarter of the 2015 calendar year:
 - July 2015: \$7,175.00 (penalties); \$15,190.24 (interest); and \$3,733.00 (PILB).
 - August 2015: \$6,250.00 (penalties); \$13,647.99 (interest); and \$24,830.63 (PILB).
 - September 2015: \$21,250.00 (penalties); \$41,822.62 (interest); and \$30,682.16 (PILB).

- Clean Water Fund (CWF) Mining Fee Revenue: For fiscal years (FY) 2012-2013 to 2015-2016 (to date), the following were applicable (for both coal and noncoal fees):
 - FY 2012-2013: \$247,800.00
 - FY 2013-2014: \$523,296.00
 - FY 2014-2015: \$474,729.00
 - FY 2015-2016 (as of September): \$129,718.00
- Noncoal Program Overview/Bonding and Bond Forfeitures:
 - Facilities (Inspectable Units, as of October 30, 2015):
 - Small Operations (< 2,000 tons/year): 1,145 (inspected twice annually).
 - Small Operations (< 10,000 tons/year): 335 (inspected twice annually).
 - Large Operations: 812 (inspected 4 times per year).
 - GP 103 Operations: 10 (inspected 4 times per year).
 - GP 105 Operations: 54 (inspected twice annually).
 - Underground Operations: 9 (inspected 4 times per year).
 - Types of Applications (as of October 30, 2015):
 - Licenses: 1,031 (including 27 new ones)
 - Large Operations (new): 9
 - Small Operations (new): 37
 - NPDES (new): 12 (along with 45 GP 104)
 - NPDES (renewal): 50
 - Pre-Applications: 7
 - Noncoal Surface Mining Conservation and Reclamation Act (NSMCRA) Fund Obligations (as of October 30, 2015):
 - Cash Collateral: \$2,055,457.87
 - PILB Underwritten: \$2,090,597.05
 - Bond Forfeiture (BF) Reclamation: less than \$4.3 million
 - NSMCRA Fund Balances (as of September 30, 2015):
 - ❖ General Operations: \$6,844,563.65
 - ❖ Collateral: \$1,891,306.63
 - ❖ Restricted Bond: \$675,017.52
 - Bond Forfeitures: For the years 2010 to 2015, the breakdown for bond forfeitures for small and large operators was as follows:
 - 2010: 8 small operator bond forfeitures; no large operator bond forfeitures.

- 2011: 1 small operator bond forfeiture; no large operator bond forfeitures.
- 2012: 11 small operator bond forfeitures; 2 large operator bond forfeitures.
- 2013: 15 small operator bond forfeitures; no large operator bond forfeitures.
- 2014: 32 small operator bond forfeitures; 1 large operator bond forfeiture.
- 2015 (as of October 2015): 34 small operator bond forfeitures; 3 large operator bond forfeitures.

USE OF RECLAMATION FILL TECHNICAL GUIDANCE DOCUMENT

Sharon Hill (DEP) provided an update on DEP Technical Guidance Document 563-2000-301 (Use of Reclamation Fill at Active Noncoal Sites). She stated that this document was completed through a revision of Appendix A (Sampling and Analyses for Material to be Used as Reclamation Fill). She stated that the Bureau of Mining Programs had worked extensively with the Bureau of Environmental Cleanup and Brownfields (per the Act 2 Program) to set up analytical parameters that were based on the existing Act 2 Statewide Health Standards. She also reported that the guidance document would be reviewed by the Cleanup Standards Scientific Advisory Board (CSSAB) at that advisory committee's December 16th, 2015 meeting.

CLEAN POWER PLAN PRESENTATION

Jessica Shirley (DEP Policy Office) provided information about the US EPA's Clean Power Plan and Pennsylvania's efforts to develop a similar plan of its own. She explained the Clean Power Plan, via its origins (i.e., a US EPA Final Rule covering carbon emissions from fossil fuel plants), plan development and goals specific for Pennsylvania. Ms. Shirley also noted that DEP is accepting comments on Pennsylvania's implementation of the Clean Power Plan through November 12th, 2015.

OVERVIEW OF THE DEP REGULATORY PROCESS

Laura Edinger (DEP Policy Office) provided an overview of DEP's regulatory process, walking the Board through the development and review of proposed and final regulations. She highlighted the roles of the Environmental Quality Board (EQB); the Bureau of Coal Mine Safety (BCMS); the Governor's Policy Office (GPO); the Office of General Counsel (OGC); the Office of Budget; the Attorney General's Office; the Independent Regulatory Review Counsel (IRRC); and relevant advisory committees, at each step of the process for proposed and final rulemakings. She included information regarding public participation in the regulatory review process as well.

BOARD MEETINGS FOR 2016

The Board set the schedule for its 2016 meetings, which will be held at 10:00 a.m. on the following dates: *February 3rd, 2016; May 4th, 2016; August 3rd, 2016* (field trip on August 2nd, 2016) and *November 2nd, 2016*.

OPEN TIME

Mike Hawbaker (Glenn O. Hawbaker, Inc.) commented on the Clean Power Plan and its potential impact to coal plants. His concern was whether any consideration would be given for the reclamation activities that occur in conjunction with waste coal plant operations. Tom Callaghan (DEP) mentioned that a 2-year grant from the Office of Surface Mining (OSM) was being sought for

this. It was also stated that the US EPA did consider cost factors to coal plants when developing its Clean Power Plan.

ADJOURNMENT

The Board adjourned its meeting at 12:00 p.m.

2015 Annual Report prepared by Burt Waite, Citizens Advisory Council and Josie Gaskey, PA Aggregates and Concrete Association, the leading voice of the aggregates and concrete industry in Pennsylvania.