

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

VOTING MEMBERS OR ALTERNATES PRESENT:

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

OTHER ATTENDEES:

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

CALL TO ORDER/INTRODUCTIONS

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

PACA ANTI-TRUST STATEMENT

The Board reaffirmed its adherence to PACA’s anti-trust statement, both in letter and spirit. This requirement extends to industry members and alternates on the Board.

APPROVAL OF MINUTES

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

CORRESPONDENCE

No correspondence has been received in the last period.

COMMITTEE REPORTS:

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

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

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

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

- The Board was shown maps created by Mr. Eric Oliver showing the locations of forfeiture sites throughout the state. These maps are available on the Board's website for interested parties. Mr. Oliver plans to implement more interactive and detailed features for the maps in the future.

NON-COAL BOND RATE GUIDELINES

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

NEW BUSINESS

- **Budget Update**

Mr. Stefanko gave the Board a brief update regarding the State Budget. While a spending plan has been approved, the accompanying revenue plan has not been resolved and approved. The Department is not currently affected, although several proposed procedural changes include manganese monitoring, oil and gas program updates, and third-party delegates in the permit review process.

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

Mr. Oliver shared the current draft of the reclamation permit for forfeited Non-Coal sites with the Board. Currently, it is designed for sites less than five acres, and for a duration of two years. The Board recommended the draft be thoroughly reviewed by the RLT Committee.

- **Standard Operating Procedures (SOPs)**

The Board expressed continuing interest in the SOPs (stressing that these should not be used in lieu of policy or regulations), as discussed by Sharon Hill in the meeting on May 31, 2017. The Board reiterated their request for more information regarding the areas and criteria which reviewers focused on during the application process.

- **Karst Permit Review Listing**

Members of the Board would like the removal or edit of the Karst Permit Review Listing from the DEP website. Mr. Stefanko informed the Board that, as this listing is a public document already vetted by the Board, it would require a letter from the Board to amend this document, to more accurately reflect its nature.

ADJOURNMENT/NEXT MEETING

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