

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday May 9, 2018
Rachel Carson State Office Building
400 Market Street, 10th Floor Conference Room
Harrisburg, PA 17101

VOTING MEMBERS OR ALTERNATES PRESENT

Tom Bryan (Co-Chair)
John Stefanko (DEP – Active and Abandoned Mine Operations (AAMO))
Leda Lipton (Alternate)
Paul Detwiller(Alternate)
Nick Troutman (Alternate)
Tim Collins (Alternate)
Peter Vlahos (Alternate)
Ron Kupriel (Alternate)
Todd Schmidt (Alternate)
Rep. Bryan Barbin (Member) (via Web-ex)
Rep. Ryan Mackenzie (Member) (via Web-ex)
William Fink (Member) (via Web-ex)

OTHER ATTENDEES

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Neil Bakshi (DEP – Policy)
Joe Iole (DEP – Counsel)
Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Plassio (DEP – Bureau of District Mining Offices (DMOs))
Bruce Carl (DEP – BMP)
Eric Oliver (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Sharon Hill (DEP – BMP)
Michael Plazek (DEP – BMP)
Christopher Whiteash (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Jennifer Schmidt (PA Bluestone Association)

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 February 8, 2018 meeting were approved without changes.

CORRESPONDENCE

It was announced that Nick Troutman and Tim Collins were appointed to the Board. Mr. Collins serves as an alternate for Senator John Yudichak and, Mr. Troutman serves as an alternate for Senator Gene Yaw.

COMMITTEE REPORTS

A subcommittee of the RLT committee met on March 23, 2018 to discuss karst-related issues and revisions to Modules 7 and 8. The Fall meeting will be announced once it has been scheduled.

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Both the Completion Report and Direct Submittal of Bond Technical Guidance Documents (TGDs) were finalized on April 21, 2018. The Engineering Manual is continuing legal review. The Civil Penalty and Beneficial Use TGDs are in the comment process.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives are tentatively scheduled to be published in July or August of 2018.
- **Fees:** Mr. Allen presented a proposed rulemaking package for permit fee increases. The Board voted to approve the proposed rulemaking for presentation to the Environmental Quality Board (EQB) with the following changes: 1) a definition for the “Aggregate Advisory Board”; and 2) the inclusion of actual dates for when fees take effect.
- **National Pollutant Discharge Elimination System (NPDES) Permitting**
 - As of March 31, 846 Draft NPDES permits (54 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 392 of these permits, 10 of which were non-coal. There have been no comments since the last report.
 - Whole Effluent Toxicity Testing (WETT): The Department is scheduling training for staff as part of the pre-implementation of the pilot program.
 - Between FY 2012-2013 and FY 2017-2018 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$317,390 collected so far for FY 2017-2018, as of April.
- **Program Overview (Facilities and Applications)**
 - Between March 2016 and March 2018, 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; there was also a slight increase in the number of underground facilities.
 - Between 2013 and 2018 the ranges for various application types included the following:
 - Licenses: between 1,252 (2013) and 1,159 (2014), with 313 for 2018.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 2 for 2018.

- Small Facilities (New): between 51 (2016) and 25 (2013), with 1 for 2018.
 - NPDES (New): between 32 (2017) and 11 (2013) with 9 for 2018.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 21 for 2018.
 - Pre-Applications: between 15 (2013) and 2 (2016), with 1 for 2018.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations**
 - As of March 31, 2018, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.7 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$4.4 million in general operations monies, with about \$2.1 million in collateral and over \$852,000.00 in restricted bond monies.
 - **Bonding and Bond Forfeitures**
 - Between 2010 and 2018, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013) to a high of 3 (2015).
 - Between 2010 and 2018, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

NEW BUSINESS

Non-Coal Safety Record

The Board made a formal request to work with the DEP to promote the safety record of the non-coal industry.

District Mining Office Updates

Mr. Plassio reported that the DMOs are working with the industry to gather the most recent and complete information for Bond Rates and NPDES sites.

Conferences

Dr. Snowden reported that Board member Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation/State Conservation Commission) would be involved in two conferences: 1) *the PA Abandoned Mine Reclamation Conference (June 20-21, 2018, in State College)* and 2) *the Professional Recyclers of Pennsylvania (PROP) Conference (July 25-27, 2018, in Harrisburg)*. Dr. Snowden planned to share information about these conferences with Board members and alternates.

Board Field Trip

The Board will visit the Thomasville Quarry in York County on August 8, 2018. The meeting will be held in the facility's conference room, and the tour will be held afterwards. Anyone who wishes to participate in the tour should RSVP by June 15, 2018 via e-mail to Dr. Snowden.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 12:00 p.m. The Board will meet again for its annual field trip and quarterly meeting on August 8, 2018 at the Pennsy Supply Thomasville Quarry office, 550 S. Biesecker Rd., Thomasville, PA 17364.