

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday August 8, 2018
Pennsy Supply – Thomasville Quarry Offices
550 S. Biesecker Rd
Thomasville, PA 17364

VOTING MEMBERS OR ALTERNATES PRESENT

Tom Bryan (Tri-State River Products – Acting Chair/Member)
Paul Detwiler, III (New Enterprise Stone and Lime - Member)
Nick Troutman (PA Senate - Alternate)
Terry Dayton (Citizens Advisory Council (CAC) – Member)
Timothy Weston (CAC - Member)
William Ruark (Meshoppen Stone - Member)
Ron Kurpiel (Hanson Aggregates - Alternate)
Peter Vlahos (PA Aggregates and Concrete Association (PACA) - Alternate)
Rep. Ryan MacKenzie (PA House - Member) (via Web-ex)
Rep. Bryan Barbin (PA House - Member)
Leda Lacomba (PA House - Alternate)
William Fink (CAC- Member)

OTHER ATTENDEES

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Michael Menghini (DEP – District Mining Offices (DMO))
Joe Iole (DEP – Regulatory Counsel)
Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Plassio (DEP – DMO)
Sharon Hill (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Rep. Kristen Phillips-Hill (PA House)
Matthew Rindfoss (PA House)
Hank Butler (Butler Consulting)
Aiden Himes (Guest)
Sam Robinson (Governor’s Office)
Morgan Gay (Meshoppen Stone)
Michael Murphy (National Institute for Occupational Safety and Health (NIOSH))
Brent Slaker (NIOSH)
Tim Orr (NIOSH)
Brianna Either (NIOSH)
Andrew Gutshall (Lehigh-Hanson Aggregates)

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 May 9, 2018 meeting were approved without changes.

CORRESPONDENCE

The Board received no correspondence since the last meeting.

COMMITTEE REPORTS

The karst workgroup, a subcommittee of the Board's Regulatory, Legislative and Technical (RLT) Committee, has met several times since the last Board meeting. The workgroup continues to discuss minor changes to Modules 7 and 8, and creation of a supplement focused specifically on the karst issues associated with permit applications in pertinent areas.

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** The Engineering Manual remains under legal review, with an extended public comment period once approved. The Civil Penalty guidance document is also under legal review, slated for public comment around September. The BMP is working to include these suggested revisions from the recent comment period in the next version of the document.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives were published as a final rule on June 23, 2018, and will be available online in September. The BMP has begun the process needed to make corrections to the Chapter 77 regulations. The RLT committee will be approached to review the details of these corrections.
- **Fees:** The regulatory package will be presented during the August meeting of the Environmental Quality Board (EQB). The revisions include defining the Aggregate Advisory Board as the AAB and, setting definitive dates for when the fees take effect, accounting for the inflation rate for each specific year.
- **National Pollutant Discharge Elimination System (NPDES) Permitting**
 - As of July 31, 890 Draft NPDES Permits (56 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 403, of which ten were non-coal. There have been no comments since the last report.
 - 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 \$365,410.00 collected so far for FY 2017-2018.
 - Whole Effluent Toxicity Testing (WETT): The Department is scheduling training for staff as part of the pre-implementation of the pilot program.
 - The Checklist project evaluation period has begun, as of July 1, 2018.
- **Program Overview (Facilities and Applications)**
 - Between March 2016 and June 2018, the numbers of inspectable units fell slightly for both small facilities (i.e., those producing < 2,000 tons/year and, those producing < 10,000 tons/year) and large facilities. GP103 and GP105 Operator permits increased slightly, as did the number of underground facilities.

- Between 2013 and 2018, the ranges for various application types included the following:
 - Licenses: between 1,252 (2013) and 1,135 (2017), with 566 for 2018.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 4 for 2018.
 - Small Facilities (New): between 51 (2016) and 25 (2013), with 13 for 2018.
 - NPDES (New): between 32 (2017) and 11 (2013) with 16 for 2018.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 42 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 June 2018, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.5 million in payments in lieu of bonds and, over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$3.8 million in general operations monies, with about \$2.1 million in collateral and, over \$870,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures**
 - The BMP provided a listing and site map of Non-Coal 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), with 8 so far for 2018.

District Mining Office Updates

Mr. Plassio gave a brief report of the status of the DMOs. He discussed NPDES sites, bonding, mobile inspections, and recent hires to vacant positions.

NEW BUSINESS

There was no new business.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:30 a.m. The Board will meet again for its quarterly meeting at 10:00 a.m. on November 7, 2018 in the 10th floor conference room of the Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101.