

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, August 7, 2019
Stonehedge Golf Course/Country Club
55 Stonehedge Drive
Tunkhannock, PA 18657

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (New Enterprise Stone and Lime Co., Inc. - Member) (Chair)
Peter Vlahos (PA Aggregates and Concrete Association (PACA) - Alternate)
Leda Lacomba (PA House - Alternate) (via Skype)
Nick Troutman (PA Senate - Alternate) (via Skype)
R. Timothy Weston (Citizens Advisory Council (CAC) – Member) (via Skype)
Tim Collins (PA Senate - Alternate) (via Skype)
Rep. Mike Carroll (PA House – Member)
Rep. Ryan Mackenzie (PA House - Member) (via Skype)
William Ruark (Meshoppen Stone - Member)
Thaddeus Stevens (CAC - Member)

OTHER ATTENDEES:

Josie Gaskey (PACA)
Bill Allen (DEP – Bureau of Mining Programs (BMP) (via Skype))
Bob Housel (PACA)
Bruce Carl (DEP – BMP)
Greg Greenfield (DEP – BMP)
Sharon Hill (DEP – BMP)
Eric Oliver (DEP – BMP)
Paul Pocavich (DEP – BMP) (via Skype)
Geoff Lincoln (DEP – BMP) (via Skype)
Randy Shustack (DEP – Bureau of District Mining Operations (DMO))
Gary Latsha (DEP – DMO)
Kate Cole (DEP – Policy Office) (via Skype)
Lisa Baker (PA Senate - Guest)
Tim Gourley (Tract Engineering, LLC - Guest)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

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 Board’s meeting of May 1, 2019 were approved without changes.

CORRESPONDENCE

The Board received no correspondence since the last meeting.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee has not met since the last Quarterly meeting but is continuing to work on Chapter 77 related issues. The RLT Committee will hold another meeting later this year.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Non-Regulatory Agenda:**

The Beneficial Use Technical Guidance Document (TGD) has been issued as final. The Bureau will meet with PACA to discuss comments received on the Civil Penalties TGD. There is no change to the current status of the Engineering Manual.

- **Regulatory Agenda:**

The Fees document has been published as of May 18, 2019. Chapter 77 is still pending, waiting on comments from the Board.

- **Permit Applications:**

The Karst supplement has been finalized and will be applied as needed to operators requesting a major revision in Karst-affected areas. GP 106 has been published as Draft, and comments are being addressed. GP-104 is expected to have revisions prior to its 2021 expiration date. Additionally, the National Pollutant Discharge Elimination System (NPDES) application will be changed to have flow diagrams, in which operators will be able to draw expected flows.

- **Small Noncoal Processing Time and Applications in Process:**

Ms. Hill provided the Board with previously requested information regarding the processing time of applications through the DMOs, as well as a detailed breakdown of the number and types of applications received and processed by the individual offices.

- **NPDES Permitting:**

- As of May 31, 963 Draft NPDES Permits (57 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 411 of these permits, 10 of which were non-coal.
- Mr. Carl discussed updates with the following:
 - Checklist: The US EPA no longer requires the Checklist as part of their review process.
 - Detection Limits – Sufficiently Sensitive Methods (SSM): The NPDES application has been revised with an area that includes flow diagrams.

- Monthly calls with the US EPA have continued.
 - Whole Effluent Toxicity Testing (WETT): The federal Office of Surface Mining (OSM) is contracting WETT analysis to outside labs, but the scheduled testing has been put on hold.
 - The Non-Discharge Alternative Technical Guidance Document (TGD) is under review by the DMOs.
- **Program Overview (Facilities and Applications):**
 - Between March 2016 and May 2019, the numbers of inspectable units fell slightly for small facilities (two categories: < 2,000 tons/year and < 10,000 tons/year) and large facilities (> 10,000 tons/year). GP-103 and GP-105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
 - Between 2014 and 2019, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 1,098 (2018), with 561 for 2019.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 1 for 2019.
 - Small Facilities (New): between 51 (2016) and 32 (2018), with 10 for 2019.
 - NPDES (New): between 33 (2018) and 13 (2016), with 15 for 2019.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 23 for 2019.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 3 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 (2017) to a high of 34 (2015), with 1 for 2019.
 - Board members commented that the Noncoal Reclamation Account cannot cover the reclamation liability across Pennsylvania. Representatives for the PA Bluestone industry and small noncoal operators were concerned that the imposition of additional fees will impact these small operators and in turn, result in additional forfeitures. The BMP noted that the new GP-106 will be available as a tool to address possible forfeitures.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**

Out of 36 e-permit applications, there was 1 new Bituminous Surface Mine Permit, with the rest being Coal Mining Exploration Notices. There continues to be an increase in the number of E-DMR registrations. The BMP continues to encourage operators to utilize the e-permitting tools available.

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

- As of the latest report, there is over \$2.4 million in cash collateral, \$2.8 million in payments in lieu of bonds, and over \$3.9 million in bond fund reclamation.
- The NCSMCRA fiscal report showed about \$2.5 million in general operations monies, with about \$2.4 million in collateral and over \$883,000.00 in restricted bond monies.
- The Board was interested in Noncoal mining fund balances and how the fund is supported. The decrease of nearly \$1.3 million in General Operations of the NSMCR Fund from the June 2018 period to June 2019 was identified as a source of concern for the Board, as well as the continued trend of increased expenditures and decreased revenues. Further information on the program's operations and funding was included in the Noncoal Fees rulemaking package. This information was shared with representatives of the PA House and PA Senate Environmental Resources and Energy Committees through the Legislative Liaison on August 8, 2019.
- Meeting materials included detailed breakdowns of revenues and expenditures for FY 2014 – FY 2019, and a summary of Noncoal work codes used by staff, including hours worked and amount spent.

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

Between Fiscal Year (FY) 2013-2014 and FY 2018-2019 (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 \$395,635.50 collected so far for FY 2018-2019.

NEW BUSINESS

Annual Reports

The Board will appoint a committee to prepare the Annual Reports for periods of 2016-2017, 2017-2018 and, 2018-2019.

Pond Certification

Mr. Oliver informed the Board of a one-time only certification applying to treatment ponds of noncoal mining facilities requiring NPDES permits. This is in line with the Chapter 77 regulations. Legacy ponds will be given special consideration.

Update from District Mining Offices

Mr. Gary Latsha provided the Board with updates from the Pottsville DMO. Multiple vacant positions continue to be filled, including clerical, blasting, and inspection staff.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 12:00 p.m. The Board will meet again on November 6, 2019 at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Field Trip

Following the meeting, attendees participated in a field trip to PA Bluestone operations run by Meshoppen Stone, Inc. The first stop was the quarrying operation, where PA Bluestone is mined and cut for transport. The second stop was the faceting operation, where PA Bluestone is further cut into specific products for wholesale and retail customers.