## PENNSYLVANIA AGGREGATE ADVISORY BOARD

## 2019 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 non-coal mining. This collaborative approach results in commonsense regulations and policies built on sound science. I look forward to continuing to work 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 Vice-Chair of the 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 continuing open, candid discussions relating to noncoal mining at these Board meetings.

Paul Detwiler, III
President and Chief Executive Officer, New Enterprise Stone and Lime Co., Inc.

#### **Table of Contents**

Chair Message	
Table of Contents	ii
History and Purpose of the Aggregate Advisory Board	
Membership	1
Officers	
Committees and Responsibilities	2
2019 Meetings	
Major Activity	3
Appendix A – Senate Bill 1155	4
Appendix B – Act 137 of 2014	7
Appendix C – Membership List	9
Appendix D – Aggregate Advisory Board's Bylaws	11
Appendix E – 2019 Meeting Minutes	

#### **History and Purpose of the Aggregate Advisory Board**

On October 25, 2013, Senator Joseph Scarnati and Senators Yaw, Kasunic, Mensch, Vulakovich, White, Alloway, Yudichak, Solobay and Costa introduced <u>Senate Bill 1155 (Appendix A)</u>. In Senator Scarnati's <u>Senate Memorandum</u> 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 <u>Act 137 of 2014</u> (Appendix B), 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.

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.

#### 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 minority party, and one House member from the minority party.

Members are appointed for a two-year term except one-half of the initial members serve for three years. The Board meets at least quarterly to carry out its duties. All actions of the Board are by majority vote. See Appendix C for the 2019 Membership list. A list of current members as well as other information can be found on DEP's website.

#### Officers

At the initial May 13, 2015, meeting of the Aggregate Advisory Board, then-Secretary John Quigley assigned his chair position to Executive Deputy Secretary John Stefanko. Elected by the Board as Vice-Chair in in 2019 is Paul Detwiler, III, President and Chief Executive Officer, New Enterprise Stone and Lime Co., Inc.

#### **Committees and Responsibilities**

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

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

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

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

#### 2019 Meetings

Full Board meetings were held February 6, 2019; May 1, 2019; August 7, 2019; and November 6, 2019. 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 on DEP's website and Appendix E of this report.

The Regulatory, Legislative and Technical Committee met on January 24, 2019 to discuss changes to the geology and hydrology noncoal permitting modules and the karst permitting supplement document; and, on April 24, 2019 and November 6, 2019 to discuss changes to the Chapter 77 regulations.

During all full Board meetings of 2019, the Board received general updates on noncoal mining matters related to updates from the Bureau of Mining Programs (BMP): regulatory and non-regulatory agendas; National Pollutant Discharge Elimination System (NPDES) permitting; program overviews (facilities and applications); E-Permitting and E-Discharge Monitoring Reports (eDMR); Permit Applications; Small Noncoal Processing Time and Applications in Process; Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations (including revenues and expenditures); Clean Water

Fund Mining Fee Revenues; and, Bonding and Bond Forfeitures. The Board also received regular updates from the Bureau of District Mining Operations (BDMO).

#### **Major Activity**

In 2019, the Aggregate Advisory Board:

- Requested information regarding the processing time of applications through the District Mining Offices, as well as a detailed breakdown of the number and types of applications received and processed by the individual offices.
- Attended a field trip at the Meshoppen Stone, Inc. facilities in Tunkhannock, PA. The field trip consisted of visits to the following areas: 1) the quarrying operation, where PA Bluestone is mined and cut for transport; and 2) the faceting operation, where PA Bluestone is further cut into specific products for wholesale and retail customers.

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:

- 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 - Act 137 of 2014

## SURFACE MINING CONSERVATION AND RECLAMATION ACT - AGGREGATE ADVISORY BOARD

Act of Sep. 24, 2014, P.L. 2480, No. 137

C1. 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.

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; and 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) member from the majority party and one (1) member from the minority party, who shall be appointed by the Speaker of the House of Representatives.

- (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 - Membership List

#### AGGREGATE ADVISORY BOARD MEMBERS

(as of July 2019)

Patrick W. McDonnell, Chairperson	The Honorable Ryan Mackenzie
Secretary	PA House of Representatives
PA Department of Environmental Protection	160A East Wing
400 Market Street, 16 <sup>th</sup> Floor	P.O. Box 2134
P. O. Box 2063	Harrisburg, PA 17120-2134
Harrisburg, PA 17105-2063	
Thomas J. Bryan, Vice-Chairperson	William M. Ruark
Tri-State River Products, Inc.	Meshoppen Stone, Inc.
100 South 3 <sup>rd</sup> Street	524 SR 4015
Pittsburgh, PA 15219-1128	Meshoppen, PA 18630
The Honorable Mike Carroll	Thaddeus K. Stevens
PA House of Representatives	Citizens Advisory Council
300 Main Capitol Building	Sylvan Glen, Inc.
PO Box 202118	Sylvan Glen Road
Harrisburg, PA 17120-2118	P.O. Box 61
	Gaines, PA 16921
Terry L. Dayton	R. Timothy Weston
Citizens Advisory Council	Citizens Advisory Council
Dayton Environmental	K& L Gates LLP
430 Lippencott Run Road	17 North 2 <sup>nd</sup> Street, 18 <sup>th</sup> Floor
Waynesburg, PA 15370	Harrisburg, PA 17101
Paul Detwiler, III	The Honorable Gene Yaw
New Enterprise Stone and Lime Co.	PA Senate
3912 Brumbaugh Road	Room: 362 Main Capitol
P. O. Box 77	Senate Box 203023
New Enterprise, PA 16664	Harrisburg, PA 17120-3023
William C. Fink	The Honorable John Yudichak
Citizens Advisory Council	PA Senate
Country View Family Farms (CVFF)	Senate Box 203014
1301 Fulling Mill Road, Suite 3000	Room: 458 Main Capitol
Middletown, PA 17057	Harrisburg, PA 17120-3014
Robert Hughes	
Eastern PA Coalition for Abandoned Mine	
Reclamation	
(EPCAMR)	
101 South Main Street	
Ashley, PA 18706	

#### AGGREGATE ADVISORY BOARD ALTERNATES

(as of July 2019)

John Stefanko, Deputy Secretary	Leda Lacomba*
Active and Abandoned Mine Operations	PA House of Representatives
PA Department of Environmental Protection	Environmental Resources and Energy Committee
400 Market Street, 16 <sup>th</sup> Floor	31 Ryan Office Building
P. O. Box 2063	PO Box 202217
Harrisburg, PA 17105-2063	Harrisburg, PA 17120-2217
<b>Timothy Collins, Executive Director</b>	Keith Salador
PA Senate	Executive Director
Environmental Resources and Energy Committee	Citizens Advisory Council
Room 458 Main Capitol	PO Box 8459
Harrisburg, PA 17120-3014	13 <sup>th</sup> FL, RCSOB
-	Harrisburg, PA 17105-8459
D. Michael Hawbaker	Todd Schmidt, P. E.
Glenn O. Hawbaker, Inc.	Fox Engineering, PC
1952 Waddle Road	857 Main Street
State College, PA 16803	New Milford, PA 18834
Michael Hewitt, Program Manager	Nick Troutman, Communications Director
Eastern PA Coalition for Abandoned Mine	PA Senate – Office of Senator Gene Yaw
Reclamation (EPCAMR)	362 Main Capitol Building
	P. O. Box 203023
101 South Main Street	Harrisburg, PA 17120
Ashley, PA 18706	
Ronald Kupriel, Vice-President/General Manager	Peter Vlahos, President
Hanson Aggregates, Western PA	PA Aggregates and Concrete Association
Breakneck Road	3509 North Front Street
Connellsville, PA 15425	Harrisburg, PA 17110

<sup>\*:</sup> In October 2019, Ms. Leda Lacomba was replaced by Mr. Griffin Caruso as the alternate for Rep. Ryan McKenzie. Ms. Lacomba served in this capacity for most of the calendar year covered in this report. Refer to the meeting minutes from November 6, 2019.

# Appendix D AGGREGATE ADVISORY BOARD BYLAWS (Adopted May 13, 2015)

## ARTICLE 1 Authorization

The Aggregate Advisory Board is authorized and organized pursuant to Section 18(g.1) of the Pennsylvania Surface Mining Conservation and Reclamation Act (the act of May 31, 1945 (P.L.1198, No.418), as amended by Act 137 of 2014) (52 P.S. § 1396.18).

## ARTICLE II Purpose

The purpose of the Aggregate Advisory Board is to assist the Secretary of the Department of Environmental Protection 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 pre- existing pollution liability, alteration of reclamation plans, reclamation fees and bonding rates and methods.

## ARTICLE III Members

The Board shall be comprised of:

- The Secretary of the Department of Environmental Protection (Secretary),
- Three aggregate surface mining operators, who shall be appointed by the Secretary,
- Four members of the Citizens Advisory Council, who shall be appointed by the Council,
- One member from the County Conservation Districts, who shall be appointed by the State Conservation Commission,
- Four members of the General Assembly:
  - o Two from the Senate:
    - One from the majority party and one from the minority party, both of who shall be appointed by the President Pro Tempore,
  - Two members from the House of Representatives:
    - One from the majority party and one from the minority party, both of who shall be appointed by the Speaker of the House of Representatives,

Board members may designate an official alternate. The Chair shall be notified, in writing, of such alternate.

The Chair is the Secretary of the Department of Environmental Protection or his departmental designee. All other members shall be appointed for a term of two years, except that one-half of the initial members shall serve for three years. Members may be reappointed.

The Board may recommend to the appointing authority removal of any member not attending, or not represented by a designee, at two consecutive board meetings in a year.

#### ARTICLE IV Officers

The officers of the Board shall be the Chair and a Vice Chair. The election of a Vice Chair, by majority vote of the Board members present, shall take place at the first meeting of the Board every two years. The term shall begin immediately upon election. In the event the Vice Chair resigns from said office or ceases to be a member of the Board, an election shall be held to fill that seat for the remainder of the Vice Chair's unexpired term.

It shall be the duty of the Chair to preside at all meetings of the Board, call special meetings, prepare and distribute the meeting agenda in consultation with the Department, and perform other such duties as pertain to the office.

It shall be the duty of the Vice-Chair to perform the duties of the Chair in his/her absence. The Vice Chair shall also assist the Chair in the performance of such duties as may be assigned by the Chair.

#### ARTICLE V Committees

The Board may establish committees, as deemed necessary, with each committee assigned specific mission when it is formed.

Committees shall be established by a majority vote of those members attending a regular or special meeting of the Board.

The committee chair shall be selected by its members. The committee chair will be responsible for calling committee meetings, requesting needed assistance from the Department, and reporting to the Board. The committee chair shall receive necessary program and administrative support from the Department.

The Board Chair shall appoint a committee to prepare the Annual Report, as mandated by Section 18(g.1) of the Pennsylvania Surface Mining Conservation and Reclamation Act, to be submitted to the

Senate Environmental Resources and Energy Committee and the House Environmental Resources and Energy Committee.

A listing of the committees and their statements of purpose shall be maintained as an Appendix to these bylaws. Changes to the Appendix shall not constitute a change to the bylaws.

#### ARTICLE VI Voting

Each member of the Advisory Board shall be entitled to exercise one vote in each matter placed before the Advisory Board for which a vote is called. Decisions of the Advisory Board shall be by vote of the majority. A majority of the Board members constitutes a quorum and no voting shall be done without a quorum. Votes must be made by the member or their designated official alternate; voting will not be done in absentia, by proxy or by stand-in representatives.

In the event that the position of the Advisory Board must be determined and a meeting cannot reasonably be rescheduled, members may participate in the meeting and vote by telephone conference call or other electronic means.

## ARTICLE VII DEP Administration

Representatives from the Office of Active and Abandoned Mine Operations shall provide program liaison and administrative support to the Aggregate Advisory Board. Program liaison support shall include framing of issues for the Advisory Board, providing necessary information for Advisory Board discussions, and assisting with the development of agendas, projects and meeting schedules.

Administrative support shall be performed by an employee designated by the Department. It shall be his/her duty to function as the recording and corresponding assistant, as assigned by the Department. Included among these duties shall be:

- To give public notice of the meetings and agendas for the Board and the committees two weeks in advance on the Department's website, and by email to Board members.
- To record full Board minutes and keep a permanent file of the minutes of meetings of the Board and committees. Minutes of the meetings of the Board and of Committees shall be distributed to the full membership of the Board. Minutes should be reviewed by the Board Chair and/or committee chair prior to distribution.
- To conduct both outgoing and incoming correspondence and to maintain a permanent file of such correspondence.
- To review and approve travel and subsistence expenses.
- To perform other such duties as may be requested by the Board.

## ARTICLE VIII Meetings

Meetings of the Board shall be open to the public and shall be held at least quarterly or at the call of the Chair.

A majority of the Board members shall constitute a quorum. A majority of the members present at a meeting of the Board may act for the full Board. The Chair shall have the same rights, privileges and obligations as all Board members.

Members who miss two or more consecutive meetings of the Board may be recommended by the Board to the Secretary for removal from the Board.

#### ARTICLE IX Amendments of Bylaws

The Bylaws may be amended at any meeting of the Advisory Board by two-thirds majority vote of the members of the Board present at the meeting, provided there is quorum, and that written notice of such change has been sent to each member at least one month prior to the meeting.

## ARTICLE X Board Representation

The Board shall act as a body in all matters before it and only the Chair or his or her designee, or the Board's designee, shall speak on behalf of the Board.

#### ARTICLE XI Parliamentary Authority

On items not covered by these Bylaws, Robert's Rules of Order shall be the final authority.

#### **Appendix E - 2019 Meeting Minutes**

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, February 6, 2019
Rachel Carson State Office Building
400 Market St, Room 105
Harrisburg, PA 17101

#### **VOTING MEMBERS OR ALTERNATES PRESENT:**

Paul Detwiler, III (Member)

Peter Vlahos (Alternate)

Nick Troutman (Alternate)

William Ruark (Member)

R. Timothy Weston (Member – Citizens Advisory Council (CAC))

Rep. Ryan Mackenzie (PA House, via Web-ex)

Ronald Kurpiel (Alternate)

#### **OTHER ATTENDEES:**

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))

Bill Allen (DEP – Bureau of Mining Programs (BMP))

Bruce Carl (DEP – BMP)

Eric Oliver (DEP – BMP)

Jennifer Gulden (DEP – BMP)

Joseph Iole (DEP – Legal)

Sharon Hill (DEP – BMP)

Dan Sammarco (DEP – District Mining Office)

Edward Schick (DEP – Policy Office (Intern))

Eric Schulden (DEP – Policy Office (Intern))

Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

#### **CALL TO ORDER/INTRODUCTIONS**

The meeting was called to order at approximately 10:10 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 November 11, 2018 meeting were approved without changes.

#### **CORRESPONDENCE**

The Board received no correspondence.

#### **COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical (RLT) Committee met on January 24, 2019. The Committee continued to discuss issues related to karst and Chapter 77. Changes to the karst document are in the finalization stages, and the DEP will provide the Committee with information as it becomes available.

#### **BUREAU OF MINING PROGRAMS UPDATES**

Mr. Allen provided updates on the following topics:

• <u>Non-Regulatory Agenda</u>: Several technical guidance documents are moving towards completion.

#### • Regulatory Agenda:

The Fee Regulation has been adopted by the Environmental Quality Board (EQB). DEP will continue to advance the regulation with the Independent Regulatory Review Commission (IRRC). The DEP has also received comments on Chapter 77 regulations and will redraft these, based on the recommendations from Committee meetings. Information will be sent to the RLT Committee once meetings resume.

#### • National Pollutant Discharge Elimination System (NPDES) Permitting:

- As of December 31, 2018, 914 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 407 of these permits, 10 of which were non-coal. There have been no comments since the last report.
- O Between Fiscal Year (FY) 2013-14 and FY 2018-19 (to date), Clean Water Fund mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a high of \$646,950.00 (FY 2015-2016), with \$234,950.00 collected so far for FY 2018-2019, as of December.

#### • Program Overview (Facilities and Applications):

- O Between March 2016 and January 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). GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
- o Between 2013 and 2018, the ranges for various application types included the following:
  - Licenses: between 1,252 (2013) and 1,135 (2017), with 1098 for 2018.
  - Large Facilities (New): between 11 (2015) and 4 (2016), with 9 for 2018.
  - Small Facilities (New): between 51 (2016) and 25 (2013), with 32 for 2018.
  - NPDES (New): between 32 (2017) and 11 (2013), with 33 for 2018.
  - NPDES (Renewal): between 88 (2016) and 50 (2014), with 84 for 2018.
  - Pre-Applications: between (15) 2013) and 2 (2016), with 3 for 2018.

#### • <u>Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund</u> Obligations:

- As of the latest report, the NCSMCRA fund obligations include over \$2.3 million in cash collateral, \$3.6 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:

- O Between 2011 and 2018, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015).
- O Between 2011 and 2018, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

#### **UPDATE FROM DISTRICT MINING OFFICES**

Mr. Sammarco provided the Board with updates from the District Mining Offices (DMOs). Many of the 26 vacant positions continue to be filled, including key managerial positions. The DMOs have also sent out nearly 350 letters addressing GP-104 and bonding issues.

#### **NEW BUSINESS**

There was no new business.

#### **ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 11:30 p.m. The Board will meet again on May 1, 2019 in Room 105 of the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.

#### AGGREGATE ADVISORY BOARD (BOARD)

Wednesday, May 1, 2019
Rachel Carson State Office Building
400 Market St, Room 105
Harrisburg, PA 17101

#### **VOTING MEMBERS OR ALTERNATES PRESENT:**

John Stefanko (Active and Abandoned Mine Operations (AAMO) – Alternate)

Paul Detwiler, III (Member)

Peter Vlahos (Alternate)

Ronald Kurpiel (Alternate)

Leda Lacomba (Alternate)

Keith Salador (Citizens Advisory Council (CAC) - Alternate)

William Fink (Member, via Skype)

R. Timothy Weston (Member – CAC, via Skype)

Rep. Ryan Mackenzie (Member - PA House, via Skype)

William Ruark (Member, via Skype)

Thaddeus Stevens (Member, via Skype)

#### **OTHER ATTENDEES:**

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))

Bill Allen (DEP – Bureau of Mining Programs (BMP))

Bruce Carl (DEP – BMP)

Paul Pocavich (DEP – BMP)

Greg Greenfield (DEP – BMP)

Sharon Hill (DEP – BMP)

Jennifer Gulden (DEP – BMP)

Roland Gensel (DEP – AAMO)

Amy Berrios (DEP – AAMO)

Joseph Iole (DEP – Legal, via Skype)

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 February 6, 2019 meeting were approved.

#### **CORRESPONDENCE**

The Board received no correspondence.

#### **COMMITTEE REPORTS:**

The Board's Regulatory, Legislative and Technical (RLT) Committee met on April 24, 2019. The Committee continued to discuss issues related to karst and Chapter 77. Additionally, the GP-106 permit is open for public comment until May 13, 2019.

#### **BUREAU OF MINING PROGRAMS UPDATES**

The Board was provided with updates on the following topics:

#### • Non-Regulatory Agenda:

Several technical guidance documents are moving towards completion. A new document, Pond Certification, is currently under development, and the Board will be updated as new information becomes available.

#### • Regulatory Agenda:

The Noncoal Fees Rulemaking package was brought to the Environmental Quality Board (EQB) in December, and the Independent Regulatory Review Commission (IRRC) in March. The document is undergoing legislative review prior to its final publication and will be effective as of early 2020. The karst and Chapter 77 issues were addressed in detail in the previous RLT Committee meeting.

#### • E-Permitting and E-Discharge Monitoring Reports (E-DMR)

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, and additional developments for the e-permitting process are under consideration.

#### • National Pollutant Discharge Elimination System (NPDES) Permitting:

- As of March 31, 932 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 407 of these permits, 10 of which were non-coal. There have been no comments since the last report.
- O Between Fiscal Year (FY) 2013-2014 and FY 2018-2019 (to date), Clean Water Fund mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a high of \$646,950.00 (FY 2015-2016), with an amount of \$329,721.00 collected so far for FY 2018-2019.

#### • Program Overview (Facilities and Applications):

- O Between March 2016 and March 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). GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
- o Between 2014 and 2019, the ranges for various application types included the following:
  - Licenses: between 1,204 (2015) and 1,098 (2018), with 307 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 6 for 2019.
  - NPDES (New): between 33 (2018) and 13 (2016), with 10 for 2019.

- NPDES (Renewal): between 88 (2016) and 50 (2014), with 9 for 2019.
- Pre-Applications: between 8 (2014) and 2 (2016), with 3 for 2019.

#### Non-Coal 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 \$4.3 million in bond fund reclamation monies.
- The NCSMCRA fiscal report showed about \$3.4 million in general operations monies, with about \$2.3 million in collateral and, over \$883,000.00 in restricted bond monies.

#### • Bonding and Bond Forfeitures:

- O 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).
- O 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).

#### • <u>Revenues and Expenditures</u>:

The Board was provided with revenue and expenditures associated with the Noncoal Surface Mining & Reclamation Fund from FY 2014-2018. The Board requested further in-depth information on expenditures, which the BMP will compile for review.

#### **UPDATE FROM DISTRICT MINING OFFICES**

Mr. Sammarco provided the Board with updates from the District Mining Offices (DMOs). Many vacant positions continue to be filled, including key managerial positions. The DMOs are continuing to address NPDES and bonding issues.

#### **NEW BUSINESS**

The Board confirmed that the next meeting would include a same-day field trip to a Bluestone mining operation managed by Meshoppen Stone. Skype will be supported at the meeting location for interested parties.

#### **ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 11:30 p.m. The Board will meet again on August 7, 2019 at 10:00 a.m., at the Stone Hedge Golf Club, 55 Stone Hedge Drive, Tunkhannock, PA 18657. A field trip to a Meshoppen Stone facility will occur after the meeting.

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)

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 May 1, 2019 meeting 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 document has been issued as final. The Bureau will meet with PACA to discuss comments received on the Civil Penalties document. There is no current change to the 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 is to 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 can 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 District Mining Offices, as well as a detailed breakdown of the number and types of applications received and processed by the individual offices.

#### • NPDES Permitting:

- O 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.
- o 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). GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
- o 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:

- O 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).
- O 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.
- O Board members expressed frustration 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.

## • Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:

- O 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 expenditure and decreased revenue. 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 revenue and expenditure 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 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.

#### 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.

#### 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 Conference Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

#### AGGREGATE ADVISORY BOARD (BOARD)

Wednesday November 6, 2019
Rachel Carson State Office Building
400 Market St, Room 105
Harrisburg, PA 17101

#### **VOTING MEMBERS OR ALTERNATES PRESENT:**

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))

Nick Troutman (Alternate – PA Senate) Tim Collins (Alternate – PA Senate)

Ronald Kurpiel (Alternate – Hanson Aggregates)

William Ruark (Member – Meshoppen Stone, Inc.)

Griffin Caruso (Alternate – PA House of Representatives)

Thaddeus Stevens (Member – Citizens Advisory Council (CAC)) (via Skype)

Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.) (via Skype)

John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))

#### **OTHER ATTENDEES:**

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))

Amy Berrios (DEP – AAMO)

Bill Allen (DEP – Bureau of Mining Programs (BMP))

Bruce Carl (DEP – BMP)

Sharon Hill (DEP – BMP)

Eric Oliver (DEP – BMP)

Paul Pocavich (DEP – BMP)

Ross McMann (DEP – BMP)

Jennifer Gulden (DEP – BMP)

Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))

Kate Cole (DEP – Policy Office)

Laura Edinger (DEP – Policy Office)

Jonathan Kolbe (Guest – Allegheny Minerals Corporation)

Andrew Gutshall (Guest – Hanson Aggregates)

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 August 7, 2019 meeting were approved pending minor changes.

#### **CORRESPONDENCE**

Mr. Griffin Caruso was appointed as an alternate for Representative Ryan MacKenzie. The Board also sent out letters thanking the host and participants of the August Field Trip.

#### **COMMITTEE REPORTS**

The Board's Regulatory, Legislative and Technical (RLT) Committee planned to meet directly after the main Board meeting, discussing the Chapter 77 revisions.

#### **BUREAU OF MINING PROGRAMS UPDATES**

The Board was provided with updates on the following topics:

- Non-Regulatory Agenda: There are no current updates to the status of the Engineering Manual and Civil Penalty documents, and both remain with Legal.
- **Regulatory Agenda:** The Chapter 77 revisions were to be discussed in the RLT meeting immediately after the full Board meeting.
- **Permit Applications:** GP-104 is currently being modified to make it easier for operators to obtain coverage again after the five-year term of the permit. The revised National Pollutant Discharge Elimination System (NPDES) permit application has been sent to the United States Environmental Protection Agency (US EPA) for comment. GP-106 continues to be under review.
- 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 District Mining Offices, as well as a detailed breakdown of the number and types of applications received and processed by the individual offices.
- **NPDES Permitting:** As of September 23, 981 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 416 of these permits, 10 of which were non-coal.
- Mr. Carl discussed updates with the following:
  - o Checklist: The US EPA no longer requires the Checklist as part of their review process.
  - o Monthly calls with the US EPA are continuing.
  - Whole Effluent Toxicity Testing (WETT): The WETT analysis, which is generally not applicable to non-coal operations, has been put on hold, pending funding from the federal Office of Surface Mining (OSM).
  - o Program Overview (Facilities and Applications):
    - Between March 2016 and September 2019, the numbers of inspectable units fell for both small facilities (two categories: < 2,000 tons/year and, < 10,000 tons/year), and large facilities (> 10,000 tons/year). GP-105 Operator permits increased, as well as a slight increase in the number of underground facilities. GP-103 Operator Permits showed no change.
    - Between 2014 and 2019, the ranges for various application types included the following:
      - ❖ Licenses: between 1,204 (2015) and 1,098 (2018), with 846 for 2019.
      - ❖ Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2019.

- ❖ Small Facilities (New): between 51 (2016) and 32 (2018), with 27 for 2019.
- ❖ NPDES (New): between 33 (2018) and 13 (2016), with 23 for 2019.
- ❖ NPDES (Renewal): between 88 (2016) and 50 (2014), with 42 for 2019.
- ❖ Pre-Applications: between 8 (2014) and 2 (2016), with 4 for 2019.

#### Bonding and Bond Forfeitures:

- o 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).
- o Between 2013 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 1 for 2019.
- **E-Permitting and E-Discharge Monitoring Reports** (**E-DMR**): Out of 42 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 epermitting tools available.
- Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:
  - As of the latest report, there is over \$2.5 million in cash collateral, \$2.8 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - o The NCSMCRA fiscal report showed about \$2.9 million in general operations monies, with about \$2.5 million in collateral and over \$883,000.00 in restricted bond monies.
  - Meeting materials included detailed breakdowns of revenue and expenditure for FY 2014
     FY 2019, and a graph depicting the general trends, as of October 2019.
- **CWF Mining Fee Revenue:** Between Fiscal Year (FY) 2013-2014 and FY 2019-2020 (to date), Clean Water Fund 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 \$59,000.00 collected so far for FY 2019-2020.

#### **NEW BUSINESS**

#### **Update from District Mining Offices**

Mr. Sammarco provided the Board with an overview of DMO operations, primarily focused around the vacant positions which continue to be filled.

#### **Meeting Dates for 2020**

The Board approved the dates for their quarterly meetings in the upcoming year. The approved dates are: February 5, May 6, August 5, and November 4, 2020. The location for the August field trip will be announced once decided.

#### ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:15 a.m. The Board will meet again on February 5, 2020 at 10:00 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.