

PENNSYLVANIA AGGREGATE ADVISORY BOARD

2015 ANNUAL REPORT



5600-RE-DEP4742 5/2017

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 working 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 the first Vice-Chair of the newly formed 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 open, candid discussions relating to noncoal mining at these Board meetings.

Mark Snyder
President, Mid-Atlantic Region
Oldcastle Materials



Table of Contents

Chair Message	i
Table of Contents	ii
History and Purpose of the Aggregate Advisory Board	1
Membership	1
Officers	2
Committees and Responsibilities	2
2015 Meetings	2
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 – 2015 Meeting Minutes.....	15

Did You Know?
Every American Will Need 1.18 Million
Pounds Of Stone, Sand, And Gravel In Their
Lifetime.

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 Senate Bill 1155 (Appendix A). In Senator Scarnati's Senate Memorandum dated September 10, 2013, he indicated the creation of this advisory board was to assure that the policy decisions and changes from the Pennsylvania 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 Act 137 of 2014 (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.

WHAT ARE AGGREGATES?

Aggregates are stone, rock and construction sand and gravel that are mined and dredged. They are among the most abundant natural resources and a major basic raw material used by construction, agriculture and other industries. They are a major contributor to the economic well-being of the Commonwealth and the Nation.

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 majority 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 2015 Membership list. A list of current members as well as other information can be found on DEP's website by clicking [here](#).

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, who later temporarily assigned Chairmanship of the Board to Richard Morrison, as Deputy Secretary for Active and Abandoned Mine Operations, DEP. Elected by the Board as Vice-Chair is Mark Snyder, President, Mid-Atlantic Region, Oldcastle Materials, Pennsy Supply, Inc.

Committees

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.

2015 Meetings

Full Board meetings were held May 13, 2015, August 12, 2015 and November 20, 2015. 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 by clicking [here](#) on DEP’s website and Appendix E of this report.

The Regulatory, Legislative and Technical Committee met on September 22, 2015, October 23, 2015, and December 18, 2015 to discuss the mine permit fees issue.

Major Activity

In 2015, the Aggregate Advisory Board:

- appointed Mark Snyder as Vice-Chair of the Aggregate Advisory Board,
- developed, discussed and approved the bylaws ([see Appendix D](#)), and
- developed, discussed and approved the formation of two committees—the Regulatory, Legislative and Technical Committee and the Annual Report Committee (see above for the missions of these two Committees).

As part of the August 12, 2015 meeting, [Penssy Supply, Inc.](#) hosted members of the Board, the DEP Department of Active and Abandoned Mine Operations, and the Citizens Advisory Council for a tour of their Annville aggregate mine facility. This facility plays an important role in the community of Annville having mined aggregates for nearly 100 years. Penssy Supply, Inc. is the largest producer of aggregate in north and central Pennsylvania, producing more than nine million tons every year consisting of primarily crushed stone, sand and gravel, mining mostly dolomitic limestone and calcium carbonate. The Millard facility in Annville grinds +94 percent calcium carbonate material.

In Pennsylvania, PENNDOT And The Turnpike Commission Are The Two Biggest Consumers Of Aggregates.

The first major issue for this Board was to begin the discussion of possible revisions to the mine permit fees. The DEP Bureau of Mining Programs, in response to members of the Aggregate Advisory Board's request, supplied [information](#) relating to the mine permit fees. The Board charged the Regulatory, Legislative and Technical Committee with evaluating the information supplied by DEP and developing a recommendation regarding any change in mine permit fees.

In order to analyze and understand the information provided by DEP, the Committee met three times with DEP Bureau of Mining personnel between August 2015 and December 2015. The Committee met again during 2016 on this issue to provide the recommendation.

According To The USGS, Pennsylvania Is The Second Leading State In The Nation In The Production Of Crushed Stone.

Appendix A - Senate Bill 1155

PRIOR PRINTER'S NOS. 1529, 1806

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:

(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; 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

Cl. 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 October 2015)

<p>John H. Quigley, Chairperson Secretary PA Department of Environmental Protection 400 Market Street, 16th Floor P. O. Box 2063 Harrisburg, PA 17105-2063</p>	<p>William M. Ruark Meshoppen Stone, Inc. 524 SR 4015 Meshoppen, PA 18630</p>
<p>The Honorable Bryan Barbin PA House of Representatives 4 East Wing P O Box 202071 Harrisburg, PA 17120-2071</p>	<p>Mark Snyder, Vice-Chairperson Pennsy Supply, Inc. 1001 Paxton Street Harrisburg, PA 17104</p>
<p>Thomas J. Bryan, III Tri-State River Products, Inc. 100 South 3rd Street Pittsburgh, PA 15219-1128</p>	<p>Thaddeus K. Stevens Citizens Advisory Council Sylvan Glen, Inc. Sylvan Glen Road P.O. Box 61 Gaines, PA 16921</p>
<p>Terry L. Dayton Citizens Advisory Council Dayton Environmental 430 Lippencott Run Road Waynesburg, PA 15370</p>	<p>Burt A. Waite Citizens Advisory Council Moody and Associates, Inc. 11548 Cotton Road Meadville, PA 16314</p>
<p>Walter N. Heine Citizens Advisory Council Walter N. Heine Associates, Inc. 67 Graham Road Newville, PA 17241</p>	<p>The Honorable Gene Yaw PA Senate Room: 362 Main Capitol Senate Box 203023 Harrisburg, PA 17120-3023</p>
<p>Robert Hughes Eastern PA Coalition for Abandoned Mine Reclamation 101 South Main Street Ashley, PA 18706</p>	<p>The Honorable John Yudichak PA Senate Senate Box 203014 Room: 458 Main Capitol Harrisburg, PA 17120-3014</p>
<p>The Honorable Sandra Major PA House of Representatives 120 Main Capitol Building PO Box 202111 Harrisburg, PA 17120-2111</p>	

Aggregate Advisory Board Bylaws [Bylaws \(PDF\)](#)

**AGGREGATE ADVISORY BOARD ALTERNATES
(as of October 2015)**

<p>Richard Morrison, Deputy Secretary Active and Abandoned Mine Operations PA Department of Environmental Protection 400 Market Street, 16th Floor P. O. Box 2063 Harrisburg, PA 17105-2063</p>	<p>Jonathan Lutz, Executive Director PA House of Representatives Environmental Resources and Energy Committee 237 Ryan Office Building PO Box 202060 Harrisburg, PA 17120-2060</p>
<p>Paul Detwiler, III New Enterprise Stone and Lime Co. 3912 Brumbaugh Road P. O. Box 77 New Enterprise, PA 16664</p>	<p>Adam Pankake, Executive Director PA Senate Environmental Resources and Energy Committee Room 362 Main Capitol Building PO Box 203023 Harrisburg, PA 17120-3023</p>
<p>Richard Fox, Executive Director PA Senate Environmental Resources and Energy Committee Room 458 Main Capitol Harrisburg, PA 17120-3014</p>	<p>Todd Schmidt, P. E. Fox Engineering, PC 857 Main Street New Milford, PA 18834</p>
<p>D. Michael Hawbaker Glenn O. Hawbaker, Inc. 1952 Waddle Road State College, PA 16803</p>	<p>Patricia Tamayo, Legislative Assistant PA House of Representatives 4 East Wing P O Box 202071 Harrisburg, PA 17120-2071</p>
<p>Katherine Hetherington-Cunfer Acting Executive Director Citizens Advisory Council PO Box 8459 13th FL, RCSOB Harrisburg, PA 17105-8459</p>	<p>Peter Vlahos, President PA Aggregates and Concrete Association 3509 North Front Street Harrisburg, PA 17110</p>
<p>Michael Hewitt, Program Manager Eastern PA Coalition for Abandoned Mine Reclamation 101 South Main Street Ashley, PA 18706</p>	

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:
 - 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 - 2015 Meeting Minutes

AGGREGATE ADVISORY BOARD

Thursday, May 13, 2015

Harrisburg, PA

**Rachel Carson State Office Building
6th Floor Conference Room**

VOTING MEMBERS OR ALTERNATES PRESENT

John Quigley, Chairman, Acting Secretary, Department of Environmental Protection (DEP)
John Stefanko, DEP Deputy Secretary, Office of Active and Abandoned Mine Operations - Alternate
Thomas Bryan, Pennsylvania Aggregates and Concrete Association (PACA)
Representative Bryan Barbin, Pennsylvania House of Representatives
Terry Dayton, Citizens Advisory Council (CAC)
Richard Fox, Executive Director, Pennsylvania Senate Environmental Resources and Energy Committee - Alternate
Walter Heine, CAC
Robert Hughes, Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR)
Representative Sandra Major, Pennsylvania House of Representatives
Adam Pankake, Executive Director, Senate Environmental Resources and Energy Committee - Alternate
Mark Snyder, Pennsy Supply, Inc.
Michelle Tate, Executive Director of the CAC - Alternate
Burt Waite, CAC

OTHER ATTENDEES

Tom Callaghan, DEP Bureau Director, Mining Programs
Bill Allen, DEP Bureau of Mining Programs
Bruce Carl, DEP Bureau of Mining Programs
Rick Lamkie, DEP Bureau of Mining Programs
Paul Pocavich, DEP Bureau of Mining Programs
Geoff Lincoln, DEP Bureau of Mining Programs
Dan Snowden, DEP Bureau of Mining Programs
Glenn Florence, DEP Office of Active and Abandoned Mine Programs
Laura Edinger, DEP Policy Office
Scott Schalles, Independent Regulatory Review Commission (IRRC)
Paul Detwiler III, New Enterprise Stone and Lime Co., Inc.
Josie Gaskey, PACA
Tim Gourley, PACA
Michael Hawbaker, Glenn O. Hawbaker, Inc.
Joseph Iole, DEP Bureau of Regulatory Counsel
Darrel K. Lewis, Allegheny Minerals Corp.
Matthew McClure, Specialty Granules, Inc.
John Rice, Pennsy Supply, Inc.
William Ruark, Pennsylvania Bluestone Association (PBA)
Todd Schmidt, PBA
William R. (Rusty) Taft, Eastern Industries, Inc.
Peter Vlahos, PACA

CALL TO ORDER/INTRODUCTIONS

Acting Secretary Quigley called the meeting to order at 10:05 a.m. He addressed the Board and the audience members, stressing the overall importance of DEP's advisory committees. All persons in attendance introduced themselves. Acting Secretary Quigley then turned the meeting over to Deputy Secretary Stefanko to chair.

LEGISLATIVE OVERVIEW

Mr. Stefanko briefly mentioned Act 137 of 2014, which created the Aggregate Advisory Board. The Board was created in a fashion similar to that of the Mining and Reclamation Advisory Board (i.e., composition, members' terms of service, voting, meetings (quarterly), selection of officers, and preparation of an annual report to the House and Senate Environmental Resources and Energy Committees).

BOARD OPERATIONS

Deputy Secretary Stefanko began the discussion of how the Board would operate.

Mr. Callaghan noted that DEP staff will assist the Board with matters regarding updates on regulations, policies, legislation and technical matters, coordination of meetings and related matters (requesting agenda items, provision of meetings materials, reappointments of members, preparation of Board communications, maintaining Board members' status), and, administrative and logistical details (e.g., travel arrangements).

The draft bylaws were reviewed. Mr. Snyder made a motion for the Board to adopt the bylaws; the motion was seconded by Mr. Waite. The Board voted unanimously to adopt the bylaws.

Board members discussed the designation of alternates. Deputy Secretary Stefanko recommended that each Board member send a letter from his/her respective organization to Dan Snowden, naming an individual whom the Board member wants to serve as his or her alternate.

The selection of a Vice-Chairperson for the Board was considered. Mr. Heine recommended that Mr. Snyder serve as the Board's Vice-Chairperson. This recommendation was seconded by Representative Barbin. The Board voted unanimously to approve Mr. Snyder as its Vice-Chairperson.

The Board discussed setting up committees. Ms. Gaskey recommended that a Technical and Regulatory Committee be set up to review any proposed changes to DEP regulations, policies or guidance documents regarding non-coal mining. Representative Barbin motioned to have such a committee formed within the Board; the motion was seconded by Mr. Snyder. The Board voted unanimously to form a Technical and Regulatory Committee. The members of this committee will be Representative Barbin, Mr. Hughes, Mr. Bryan and, Thaddeus Stevens (a Board member who was absent from this meeting, but recommended by Mr. Waite).

Ms. Gaskey also recommended the formation of an Annual Report Committee within the Board. Nominations for this committee will be made at the next Board meeting.

The scheduling of future Board meetings was discussed. Mr. Lutz made a motion for the meetings to occur in February, May, August, and November of each calendar year, in order to maintain consistency with the quarterly meeting requirement in the bylaws. Representative Barbin seconded this motion. The Board voted unanimously to hold its meetings during the aforementioned months, with the caveat (per Mr. Lutz and Representative Barbin) that the meetings not occur on days when the General Assembly is in session. Additionally, for the Board's forthcoming summer meeting (August 2015), Mr. Snyder and

Mr. Hughes recommended that a field trip be included with this meeting, similar to the arrangement that exists for the Mining and Reclamation Advisory Board's summer meeting (July 2015).

DEP REPORTS

Mr. Allen discussed standard regulatory and related reporting. He stated that such reports are provided to the MRAB during that advisory committee's meetings, and asked if the Board would like to see similar information. The Board voted in favor of receiving such information during its meetings.

Technical Guidance (Non-Regulatory Agenda)

Mr. Allen reported that several DEP guidance documents that were under revision. The guidance documents cover the following topics regarding coal and non-coal mining: 1) *mining pre-applications*; 2) *the Engineering Manual (this document is in its final stages of revision)*; 3) *Blaster's License Suspension*; 4) *Coal Ash*; 5) *General Permit (GP) Materials*; 6) *Civil Penalties (this document will include elements of the National Pollutant Discharge Elimination Standards (NPDES) program as part of its revisions, in order to calculate penalties)*; 7) *Government-Financed Construction Contracts (GFCCs)*; and 8) *Reclamation Fill*.

Regulatory Updates

Mr. Allen also reported on sets of regulations that are slated for revision: 1) *25 PA Code, Chapters 210 and 211 (the regulations for the Storage, Handling and Use of Explosives) (explained in further detail below)*; 2) *Fees (related to coal)*; and 3) *25 PA Code, Chapter 77 (Non-Coal Mining regulations) (regulations will be discussed in further detail at a future Board meeting)*.

NPDES Permitting Update

Mr. Allen reported that as of March 31, 2015, 29 non-coal draft permits (out of 560 draft permits overall) have been sent to the United States Environmental Protection Agency (US EPA), which provided comments or objections to eight of these non-coal draft permits (out of 332 draft permits with comments or objections). The issues related to the US EPA comments and objections are related to the following:

- *Checklist: DEP plans to send a list of topics of interest to US EPA, in order to make the permit application process more efficient.*
- *Remining and Total Maximum Daily Loads (TMDLs).*
- *Sediment Pond Sampling on TMDLs: the issue is the relevance of pre-mining sampling for parameters that are more related to natural gas drilling than coal and non-coal mining.*

The NPDES permitting statistics were also part of this presentation. Mr. Allen reported that to date, 303 mining permits have been issued, with four such permits awaiting issuance and 25 such permits pending – all with comments from US EPA. Among mining permits that have no comments from US EPA, 188 of these permits have been issued, with 29 permits that could be issued, and 11 permits that are pending (with a 30-day waiting period).

Historical Application Progress for Non-Coal Mining Permit Applications

Mr. Allen reported that as of April 8, 2015, 403 of 444 non-coal mining permits have been disposed (all of these are from the Pottsville District Mining Office), with 41 such permit awaiting action. There are 19 renewals among these permits.

Fee Revenues (1st Quarter of 2015)

Mr. Allen discussed fees received from non-coal permit applications. The breakdown provided is as follows (totaling \$1,147,050.00 in annual administrative permitting fees received, and \$241,310.00 in permit application fees received):

- January 2015: \$160,400.00 in annual administrative fees received, and \$36,835.00 in permit application fees received.
- February 2015: \$78,900.00 in annual administrative fees received, and \$9,335.00 in permit application fees received.
- March 2015: \$174,400.00 in annual administrative fees received, and \$30,495.00 in permit application fees received.

Mr. Allen also reported non-coal fee revenues for the 2012-2013, 2013-2014 and 2014-2015 fiscal years (FYs):

- FY 2012-2013: \$589,925.00 collected in administrative fees, and \$229,755.00 collected in permit application fees.
- FY 2013-2014: \$1,367,950.00 collected in administrative fees, and \$410,525.00 collected in permit application fees.
- FY 2014-2015 (through March): \$1,147,050.00 collected in administrative fees, and \$241,310.00 collected in permit application fees.

Mr. Allen provided details regarding the Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Revenues. The Board is interested in receiving a full description of this information at future meetings, in order to show how the funding operates as a whole. The elements of the NCSMCRA fund revenues include the following (through March 2015):

- Interest: \$184,943.25
- Penalties: \$64,045.26
- License Fees: \$155,492.20
- Payments In-Lieu of Bond (PILBs): \$80,948.30

Mr. Allen reported revenues received from mining fees related to the Clean Water Fund (CWF) (including NPDES and Chapter 105 fees) for FY 2012-2013, FY 2013-2014, and FY 2014-2015:

- FY 2012-2013: \$247,800.00 in CWF fee revenue collected.
- FY 2013-2014: \$523,296.00 in CWF fee revenue collected.
- FY 2014-2015 (through March): \$340,479.00 in CWF fee revenue collected.

Non-Coal Fees: 3-Year Report to the Environmental Quality Board (EQB)

Mr. Allen shared the Non-Coal Fee 3-Year Report to the EQB. He described the current disparity with non-coal program revenues and expenditures. The reasons behind this disparity include: 1) non-coal fees were based upon 2009 wage rates (these rates have changed since then); 2) the increased benefit rate was not anticipated (87% of salaries, as opposed to 40%); and 3) a decreasing number of permit applications, coupled with an increase in application complexity. Due to the aforementioned situations, an increase in fees is needed to cover the costs of the non-coal program.

The Board discussed the Non-Coal Fee Report. After this discussion, Representative Major motioned to move this report forward to the EQB. Mr. Ruark seconded this motion. The Board voted unanimously to forward the report to the EQB.

Program Overview: Facilities, Applications and Bonding

Mr. Allen then moved to the topic of non-coal mining facilities. There are 2,091 total inspectable units, which are broken down as follows:

- Small Facilities (less than 2,000 tons/year): 1,027 units (inspected twice a year)
- Small Facilities (less than 10,000 tons/year): 313 units (inspected twice a year)
- Large Facilities (greater than 10,000 tons/year): 783 units (inspected four times a year)
- General Permit Facilities (GP-105): 49 units (inspected twice a year)
- General Permit Facilities (GP-103): 10 units (inspected twice a year)
- Underground Facilities: 9 units (inspected twice a year)

Mr. Allen presented information about non-coal mining application types received (2014 calendar year):

- Licenses: 1,247 (with 37 new applications)
- New Permits (Large Operators): 17
- New Permits (Small Operators): 39
- NPDES Permits: 79 (with 63 as GP-104)
- Pre-Applications: 15

Mr. Allen provided details on non-coal program bonding, emphasizing the types of bonds involved and the total amount collected to date:

- Surety Bonds: \$214,854,196.62
- LOC Bonds: \$32,876,713.24
- Certificates of Deposit (CDs): \$4,999,986.01
- Cash: \$1,924,369.60
- Negotiable Securities: \$141,579.44
- PILBs: \$1,936,717.68

DRAFT PROPOSED RULEMAKING: HANDLING AND USE OF EXPLOSIVES

Mr. Lamkie reported on changes to Chapters 210 (Blaster's Licenses) and 211 (Storage, Handling and Use of Explosives) (It should be noted that Mr. Lamkie provided this same report to the MRAB during its April 23, 2015 meeting). The proposed changes in Chapter 210 are related to definitions, compliance with relevant Federal regulations and license applications (increased fees).

The proposed changes in Chapter 211 are more substantive and are related to the following:

- *General Provisions (Definitions; Scope; Enforcement)*
- *Storage and Classification of Explosives (Magazine and License Fees; Standards for Classifying and Storing Explosives/Constructing, Maintaining and Siting Magazines; Decommissioning Magazines; Daily Summaries of Magazine Transactions)*
- *Permits (General Requirements; Blasting Activity Permits; Blasting Activity Permit-by-Rule; Fees)*
- *Records of Disposition of Explosives (Blast Reports)*
- *Transportation of Explosives (General Requirements)*
- *Blasting Activities (Prevention of Damage or Injury; Preparing the Blast; Pre-Blast Measures)*
- *Requirements for Monitoring (General Provisions; Monitoring Instruments)*
- *Blasting Activities near Utility Lines (General Provisions)*
- *Seismic Exploration (Scope; Permits; Blasting Records; General Requirements for Handling Explosives on a Seismic Exploration)*
- *Civil Penalties (Scope; Inspection (General); Assessment of Penalty; System of Assessment for Penalties; Procedures for Assessment of Civil Penalties; Final Action; Final Assessment and Payment of Penalty)*

NORTHERN LONG-EARED BAT – THREATENED SPECIES LISTING

Mr. Lincoln briefed the Board on the U. S. Fish and Wildlife Service's (USFWS) Interim Final 4(d) Rule to list the Northern Long-Eared Bat as a Threatened Species. While this rule is in effect (as of May 4, 2015), it is also open for public comment until July 1, 2015. The connection of this rule to non-coal mining operations is significant due to: 1) *the northern long-eared bat's presence throughout Pennsylvania*; and 2) *the occurrence of white-nose syndrome in northern long-eared bat hibernacula in half of Pennsylvania's counties*. Unlike in the coal mining program where there is a Federal nexus (the U. S. Office of Surface Mining Reclamation and Enforcement (OSMRE)) for dealing with the combination of endangered or threatened species and mining operations, there is no such Federal nexus available for non-coal operations.

Mr. Lincoln recommended that several key areas be explored in order for non-coal operators to address the northern long-eared bat issue:

- *The Pennsylvania Natural Diversity Inventory (PNDI) may have to be run again in areas where they had been run previously due to the current USFWS listing for the northern long-eared bat (more PNDI hits for this species are likely to come up)*
- *Check with the PA DCNR website to ensure that the PNDI tool is updated to include the northern long-eared bat*
- *Get stakeholders in place to determine the appropriate actions to deal with issues regarding the northern long-eared bat and impacts to non-coal mining operations in Pennsylvania.*

The documents provided to the Board and referenced by Mr. Lincoln during this briefing included: 1) *a USFWS fact sheet detailing the Interim Final 4(d) Rule regarding the northern long-eared bat*; 2) *a March 17, 2015 letter to the USFWS from DEP (Office of Active and Abandoned Mine Operations) regarding the inclusion of abandoned mine land (AML) projects among the list of activities that could impact northern long-eared bat habitats (a request to exclude such projects from this listing was made)*; and 3) *a USFWS map showing the white-nose syndrome buffer zone and infected hibernacula within the range of the northern long-eared bat.*

The Board plans to evaluate the northern long-eared bat issue further at its next meeting.

OPEN TIME

No questions or comments were received.

NEXT MEETING

A specific date for the next Board meeting was not determined; however, the Board did decide to hold the meeting in August and to have a field trip included as part of it (similar to the Mining and Reclamation Advisory Board's summer meeting in July).

ADJOURNMENT

The Board meeting adjourned at approximately 12:30 p.m.

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, August 12, 2015
Harrisburg, PA

Rachel Carson State Office Building
2nd Floor Training Room

VOTING MEMBERS OR ALTERNATES PRESENT

John Stefanko, Department of Environmental Protection (DEP): Deputy Secretary, Office of Active and Abandoned Mine Operations (Alternate, Chairman)
Thomas Bryan, PA Aggregates and Concrete Association (PACA)
Representative Bryan Barbin, Pennsylvania House of Representatives (Member)
Terry Dayton, Citizens Advisory Council (CAC) (Member)
Paul Detwiler, III, New Enterprise Stone and Lime Co., Inc. (Alternate)
Richard Fox, Executive Director, Senate Environmental Resources and Energy Committee (Alternate)
Mike Hawbaker, Glenn O. Hawbaker, Inc. (Alternate)
Walter Heine, CAC (Member)
Robert Hughes, Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) (Member)
Jonathan Lutz, Executive Director, House Environmental Resources and Energy Committee (Alternate)
Representative Sandra Major, PA House of Representatives (Member)
Adam Pankake, Office of Senator Gene Yaw (Alternate)
William Ruark, PA Bluestone Association (PBA) (Member)
Todd Schmidt, PBA (Alternate)
Mark Snyder, Pennsy Supply, Inc. (Member, Vice-Chairman)
Thaddeus Stevens, CAC (Member)
Patty Tamayo, Office of Representative Bryan Barbin (Alternate)
Michelle Tate, Executive Director of the CAC (Alternate)
Peter T. Vlahos, PACA (Alternate)
Burt Waite, CAC (Member)

OTHER ATTENDEES

Bill Allen, DEP Bureau of Mining Programs
Tom Callaghan, DEP Bureau Director, Mining Programs
Bruce Carl, DEP Bureau of Mining Programs
Laura Edinger, DEP Policy Office
Michelle Elliott, Independent Regulatory Review Commission (IRRC)
Josie Gaskey, PACA
Jennifer Gulden, DEP Bureau of Mining Programs
Sharon Hill, DEP Bureau of Mining Programs
Darrel K. Lewis, Allegheny Minerals Corp.
Shuvonna Perry, DEP Bureau of Mining Programs
Mike Plazek, DEP Bureau of Mining Programs
Paul Pocavich, DEP Bureau of Mining Programs
Dan Snowden, DEP Bureau of Mining Programs

CALL TO ORDER/INTRODUCTIONS

Board Chairman Stefanko called the meeting to order at 9:59 a.m. All persons in attendance introduced themselves.

APPROVAL OF MINUTES

There were several recommendations for revisions to the May 13, 2015 meeting minutes. Specific revisions included: 1) *listing Mr. Tim Gourley's affiliation as being with Dietz-Gourley Consulting, LLC;* and 2) *noting that Mr. Waite had volunteered to be chairperson of the yet-to-be formed Annual Report Committee.* Additionally, it was recommended that future meeting minutes include a list of action items as a separate component of the meeting minutes, in order to ensure that nothing is missed during Board meetings. Once these revisions were agreed upon, the Board voted unanimously to approve the minutes from its May 13, 2015 meeting.

CORRESPONDENCE

No correspondence was reported for the Board.

COMMITTEE REPORTS

Although not officially established as yet, some details were shared about the Board's forthcoming Regulatory, Legislation and Technical Committee. Mr. Vlahos reported that a conference call to set up the Committee occurred on July 15, 2015 and, at that time, a mission statement for the Committee was drafted. The mission statement was shared with the Board; it reads as follows:

"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."

Mr. Callaghan added that the Committee should meet between full Board meetings and, that one of its first tasks would include discussion of the Non-Coal Fee regulations. The Board voted unanimously to designate six persons to serve as members of the Committee: Rep. Bryan Barbin; Paul Detwiler, III; Richard Fox; William Ruark; Mark Snyder; and Thaddeus Stevens. An action item related to the Committee is provided at the end of the minutes.

FEEDBACK ON THE MILLARD QUARRY TOUR

On August 11, 2015, Board members and alternates, along with DEP staff and others, attended a tour of the Millard Quarry operation, owned by Pennsy Supply. Overall commentary was positive; the experience of the tour was found to be a unique educational experience for some, while providing unique perspectives for others (e.g. being able to view both the operating quarry and the recently closed quarry; visiting an actual quarry for the first time). Mr. Snyder thanked all those who participated in the tour, touting its core value of community outreach.

UPDATES

Technical Guidance

Mr. Allen reported on the status of mining-related guidance documents:

- Pre-Applications: In process.
- Engineering Manual: With the Office of Chief Counsel; will be published for comment.
- Blaster's License Suspension: In the finalization stages; the existing matrix in this guidance document may be scrapped for a point system.
- Coal Ash: In process.

- General Permit (GP) Materials: In process.
- Civil Penalties: In the routing process; this guidance document will include changes on National Pollutant Discharge Elimination System (NPDES)-related violations.
- Government Financed Construction Contracts (GFCCs): In process.
- Reclamation Fill: This specific technical guidance document (TGD 563-2000-301 – Use of Reclamation Fill at Active Non-Coal Sites) is being finalized in the Mining Program and will go to the Policy Office next. Ms. Hill explained that changes to the TGD are related to program consistency (Mining Programs and Act 2/Chapter 250), with special concerns about the quality of imported materials used at mine sites for reclamation and, chemical constituent standards (in this case, Statewide Health Standards). The Board will get the document with changes, and it will be an agenda item for its next meeting (November 10, 2015 – tentative); prior to this, the document will be reviewed by the Board’s Regulatory, Legislative and Technical Committee. Additionally, the Cleanup Standards Scientific Advisory Board will review the document at its December 16, 2015 meeting.

Regulatory Update

On the matters of regulations, Mr. Allen reported on the following:

- Chapters 210 (Blasters’ Licenses) and 211 (Storage, Handling and Use of Explosives): These are being rewritten to include language related to the use of explosives for seismic exploration and civil penalties for explosives violations that are not related to mining activities.
- Non-Coal Fees: This set of regulations is discussed in detail later during the meeting.
- Non-Coal Program (Chapter 77): This set of regulations may be removed from the Regulatory Agenda due to its having few substantive changes (Board input is sought on this).

NPDES Permitting Update

Mr. Allen reported that as of July 31, 2015, 598 draft NPDES permits have been sent to US EPA, with 30 of these being non-coal permits. US EPA provided comments to or objected on 345 of these permits. Of the 30 non-coal permits that were issued, six of these were issued with comments and 19 of these were issued without comments (including 15 “no comment” letters). Of the remaining permits that could be issued, two of these were issued with comments and three were issued without comments. None of the permits issued were awaiting a 30-day period.

Mr. Allen also shared some findings of the June 11, 2015 letter from EPA about the DEP request to reinstate its waiver of review for NPDES permits within the Monongahela River and its tributaries. The issues raised in the letter included:

- *Identifying parameters of concern*
- *Conducting appropriate Reasonable Potential Analysis (RPA)*
- *Appropriate use of water quality spreadsheets (WQSSs)*
- *Effluent Characterization (Mr. Allen mentioned that US EPA inquired about a small business exemption in the permits (i.e., based on coal tonnages– this appeared to be indefensible); Mr. Allen stressed that this matter had already been addressed*
- *Water Quality-Based Effluent Limits (WQBELs) for sedimentation ponds and non-Total Maximum Daily Loads (TMDLs) – Mr. Allen stated that these are not changing in mining NPDES permits and, that DEP had addressed this matter*
- *Alternate Precipitation Limits*
- *Flow Schematic (for non-coal permits, a flow diagram is required in the NPDES permit application)*
- *Fact Sheet*
- *TMDLs*

- Checklist with a timeline (DEP included these with current data; later, only the checklist was included after a “successful consistency” determination from US EPA – input from the District Mining Offices (DMOs) was helpful here)
- Review of selected draft permits

Historical Applications (Non-Coal)

Mr. Allen reported that as of July 31, 2015, 408 of 444 non-coal permit applications were disposed, all of which came from the Pottsville District Mining Office. Of these, only 8% (36 permit applications) remain for action; there are also 17 permit renewal applications included among these figures.

Permit Decision Guarantee (PDG) Applications (Non-Coal)

Mr. Allen provided information regarding non-coal permit applications subject to the PDG (based on how many permit applications received, issued, withdrawn and, returned or denied – per DMO):

- Pottsville DMO: 581 permit applications received; 379 permits issued; 17 permit applications withdrawn; and 10 permit applications returned or denied. On-time performance: 62.3%.
- Moshannon DMO: 217 permit applications received; 178 permits issued; 10 permit applications withdrawn; and 10 permit applications returned or denied. On-time performance: 88.2%.
- New Stanton DMO: 113 permit applications received; 87 permits issued; 2 permit applications withdrawn; and 2 permit applications returned or denied. On-time performance: 66.7%.
- Cambria DMO: 145 permit applications received; 113 permits issued; 1 permit application withdrawn; and 4 permit applications returned or denied. On-time performance: 80%.
- Knox DMO: 353 permit applications received; 311 permits issued; 7 permit applications withdrawn; and 4 permit applications returned or denied. On-time performance: 92.3%.

Mr. Allen reported that as of July 31, 2015, for on-time PDG performance, there were 276 non-coal PDG applications pending. Of these, 24 were small operators, 61 were large operators, and 129 were NPDES-related. A few other PDG applications were related to blast plans, completion reports, and GPs). The average number of days elapsed under the PDG was 173. Additionally, for non-coal PDG applications that were overdue, these totaled 144 (with 8 small operators, 25 large operators and 82 NPDES-related). The average number of days elapsed was 288.

Board members recommended the following action items on this topic:

- An overview of how the PDG permitting program works
- Coal PDG application information (for comparison to non-coal)

BOND RATE GUIDELINES (NON-COAL)

Mr. Carl provided information regarding bond rate guidelines to the Board. He stated that in 2011, the bond rates were updated in the Pennsylvania Bulletin; he expressed the need for additional reclamation cost data, since there are very few non-coal reclamation projects in the Commonwealth. He also mentioned a few factors common to coal and non-coal site reclamation projects, including, grading, revegetation, and spoil grading.

Mr. Carl discussed how bond rates are calculated. Using coal site reclamation as a starting point, he mentioned the existence of reclamation contracts and taking the three lowest bids, which are then averaged out over a three-year period to get the weighted average of yearly costs for reclamation. For grading and revegetation (based on 2010 coal bond rates), the reclamation cost was \$1,600/acre for selective grading and \$1,530/acre for revegetation. Using these coal figures to determine the costs for large non-coal operations, reclamation costs for disturbed areas, including grading with revegetation, was rounded to \$3,000.00/acre. Revegetation costs for support areas were rounded to \$1,500.00/acre.

Spoil grading costs on coal sites for 2010 was between \$.80/cubic yard and \$1/cubic yard. The average cost is \$.90/cubic yard for spoil grading on large non-coal sites.

Mr. Carl discussed reclamation blasting costs to achieve final slope. Blasting down a highwall or bench could cost between \$.50 and \$1.20/linear foot, based on 2010 industry estimates. For highwalls and benches, the blasting reclamation costs are between \$10/linear foot for 20ft highwalls/benches to \$60.00/linear foot for 50ft or greater highwalls/benches. Related costs were also mentioned, including pond removal (\$3,800/pond) and spreading topsoil rates \$1,600/acre. Grading costs for large non-coal sites with unconsolidated materials range between \$1,600/acre to \$3,500/acre, depending on the height of the highwall. The only adjustment in the non-coal bond rates that may be needed to reflect current reclamation costs is the cost for spoil grading. The coal grading costs are currently between \$.90/cubic yard and \$1.05/cubic yard. The average of these values would be 97.5 cents, rounded up to \$1/cubic yard.

Mr. Carl noted that bonding costs for non-coal site reclamation projects could be looked at annually. It was noted that there is some inequity among the bonds on non-coal sites, as not all of them are currently bonded at the full-cost bonding rates. The Board requested an action item on this topic – specifically to determine the various types of information to look for with regards to full-cost bonding.

NON-COAL FEES

Mr. Allen provided a report on non-coal fees. He noted that the last fee schedule was finalized in October of 2012. Information on permit fees and annual administrative fees are part of this schedule. Mr. Allen also noted other sources of revenue for the Non-Coal program, including license fees; interest; payments-in-lieu of bonds (PILBs); bond forfeitures (these are restricted in the Non-Coal program); and cash collateral. Mr. Allen additionally noted Non-Coal Fund obligations related to the overall Non-Coal Program Administration; Reclamation of Bond Forfeiture sites (via restricted bonds and supplemental costs); Return of Cash Collateral upon release of bonds; and Reserves for PILBs.

Mr. Allen presented Non-Coal Program costs as follows (based on Fiscal Year (FY) 2013-2014 data):

- **Salaries:** These comprise approximately 52.2% of total Non-Coal Program costs, and include the following:
 - Regular Hourly Salaries: \$1,656,824.38 (51.85%)
 - High-Class Hourly Salaries: \$98.93 (0.0%)
 - General Pay Increases (Cash Payments): \$1,174.00 (0.04%)
 - Wages (Regular Hourly): \$7,705.35 (0.26%)
 - Overtime (Straight – Hourly Time Rate): \$165.23/hour (0.01%)
- **Benefits:** These comprise approximately 30.6% of total Non-Coal Program costs, and include the following:
 - Hospital Insurance: \$224,623.49 (7.44%)
 - Social Security (SS) Containment: \$96,810.75 (3.21%)
 - Medicare (SS): \$22,640.56 (0.75%)
 - Retirement Contributions: \$234,402.32 (7.76%)
 - State Workman's Insurance Premiums: \$29,495.38 (0.98%)
 - Employer Group Life Insurance (SS): \$3,277.60 (0.11%)
 - Health Benefits (SS): \$312,679.71 (10.35%)

- **Distributions:** These comprise approximately 15.4% of total Non-Coal program costs, and include the following:
 - Leave Payout Assessment: \$26,776.72 (0.89%)
 - Salary Distribution: \$305,115.21 (10.10%)
- **Additional Costs:** These comprise approximately 2.14% of total Non-Coal program costs, and include the following:
 - Specialized Services (mainly laboratory-related): \$57,027.13 (1.89%)
 - Postage: \$0.98 (0%)
 - Printing: \$17.76 (0%)
 - Insurance/Surety and Fidelity Bonds: \$53.68 (0%)
 - Other Operation Expenditures: \$1,852.56 (0.06%)
 - Refunds: \$3,000.00 (0.10%)
 - Inter-fund Reimbursements: \$2,649.70 (0.09%)
 - Administrative Training (Personnel): -\$8,373.86 (-0.28%)

Mr. Allen also provided similar information for FY 2014-2015, as follows:

- **Salaries:** These comprise 49.23% of total Non-Coal Program costs, and include the following:
 - Regular Hourly Salaries: \$1,361,443.40 (49.13%)
 - High-Class Pay Salaries: \$484.95 (0.02%)
 - General Pay Increases (Cash Payments): \$1,193.00 (0.04%)
 - Wages (Regular Hourly): \$1,904.44 (0.07%)
 - Overtime (Hourly, Straight-Time Rate): \$121.84 (0.0%)
- **Benefits:** These comprise 31.48% of total Non-Coal Program costs, and include the following:
 - Hospital Insurance: \$212,295.07 (7.66%)
 - Social Security (SS) Containment: \$83,517.23 (3.01%)
 - Medicare (SS): \$19,532.05 (0.70%)
 - Retirement Contributions: \$266,167.94 (9.16%)
 - State Workman's Insurance Premiums: \$13,970.16 (0.50%)
 - Employer Group Life Insurance (SS): \$2,814.95 (0.10%)
 - Health Benefits (SS): \$286,782.87 (10.35%)
- **Distributions:** These comprise 15.94% of total Non-Coal Program costs, and include the following:
 - Leave Payout Assessment: \$24,955.24 (0.90%)
 - Salary Distribution: \$263,845.54 (9.52%)
 - Benefit Distribution: \$153,073.65 (5.52%)
- **Additional Costs:** These comprise 2.82% of total Non-Coal Program costs, and include the following:
 - Specialized Services (mainly laboratory-related): \$81,457.00 (2.87%)
 - Postage: \$0.82 (0%)
 - Printing: \$2,436.02 (0.09%)
 - Insurance/Surety and Fidelity Bonds: \$33.20 (0%)
 - Other Operation Expenditures: \$224.67 (0.01%)
 - Continuity Repairs (Non-EDP): \$500.00 (0.02%)
 - Inter-fund Reimbursements: \$2,962.93 (0.11%)
 - Administrative Training (Personnel): -\$7,628.40 (-0.28%)

Mr. Allen shared graphical information about Non-Coal Program expenditures (the bulk of these cover salaries and benefits) and revenues. The latter element reads as follows:

- ***FY 2012-2013:*** \$819,680 in fees revenue collected (\$589,925.00 collected in administrative fees and \$229,755.00 collected in permit fees).
- ***FY 2013-2014:*** \$1,778,475.00 in fees revenue collected (\$1,367,950.00 collected in administrative fees and \$410,525.00 collected in permit fees).
- ***FY 2014-2015:*** \$1,747,635.00 in fees revenue collected (\$1,427,850.00 collected in administrative fees and \$319,785.00 collected in permit fees).

Finally, Mr. Allen shared graphical information about the overall status of Non-Coal Program revenues and expenditures. For the most part, expenditures have been higher than revenues, with the exception of FY 2010-2011.

NEW BUSINESS

Mr. Hughes expressed interest in greater interaction between the coal and non-coal industries, in terms of the non-coal industry's supplying high-quality limestone for use in the coal industry's acid mine drainage (AMD) treatment systems. He noted an interest in identifying aggregate industries around Pennsylvania that are specifically in the limestone quarry business and off-spec lime sector that might be able to share a directory of contacts at some of those companies that are in the business of selling or donating, writing off possible tonnage of limestone sand, rock (of various sizes) that he would like to share with community watershed groups and Conservation Districts in the reclamation arena that utilize this resource for treating AMD. Mr. Hughes stated that EPCAMR has contracted with several companies over the years (e.g., the CON-LIME and Pennsy Supply quarries in Southeastern Pennsylvania) to obtain high calcium carbonate limestone for use in various AMD Treatment System projects that EPCAMR is undertaking, both on its own and, with several groups that the organization works with across the Commonwealth.

Mr. Hughes stressed the importance for watershed and related groups to develop operation and maintenance plans that look 20-25 years into the future and, that include the replenishment of limestone for some of the various AMD treatment systems. It is understood that more of this limestone will be needed, due to the dissolution of the rock within the systems. As such, locking in an early rate or long-term tonnage supply can reduce overall AMD treatment system costs to the groups and, could show the Commonwealth that the commitments are firm. Mr. Hughes mentioned that this matter was a discussion item at the 17th Annual Pennsylvania Abandoned Mine Reclamation (PA AMR) Conference in State College; relevant presentations are on the PA AMR website, www.treatminewater.com.

Mr. Hughes also expressed interest in securing industry brochures that might be able to show volunteers what the various sizes of rock are in the industry. He inquired as to whether any company would have such brochures or posters of the various rock sizes or a document that EPCAMR might be able to share with the abandoned mine reclamation community. He also stated that if requested, he would provide details to the Board regarding the future of various types of AMD Treatment Systems across PA that are using limestone as a product and solution to improving the water quality in many watersheds. He added that he would be willing to coordinate with the reclamation community to invite those volunteers and community leaders to a future site visit to a limestone quarry, outside of the Board once he was able to make some additional networking point of contacts (Glenn O. Hawbaker, Inc. was mentioned in this case).

ENHANCING TRANSPARENCY IN THE POLICY PROCESS

Ms. Edinger provided an overview of DEP's Technical Guidance Policy. The policy aims to provide new tools to engage with DEP and see feedback received, provide early notice as to policies and guidance DEP is working on to maximize the opportunity for public participation, and ensure DEP is engaging the experts on advisory committees. The major revisions to the policy include the development of a non-regulatory agenda and enhanced advisory committee consultation. The policy was published as interim final on May 30th, 2015, followed by a 45-day public comment period; three comments on the guidance were received – coming from PACA, the Marcellus Shale Coalition, and the Executive Director of the CAC. Additionally, Ms. Edinger discussed the development of a new tool, eComment, for public engagement and feedback. eComment can be accessed at <http://www.ahs.dep.pa.gov/eComment/>. DEP encourages prospective commenters to use eComment to submit comments on its regulations, policies, guidance documents and other documents open for comment. DEP will continue to accept comments via email and US postal mail.

OPEN TIME

No comments or questions were received from the audience. The date of the next meeting of the Board was discussed and tentatively planned for November 10, 2015. Also, a walk-through of the DEP regulatory process was recommended, to which Ms. Edinger agreed.

ADJOURNMENT/NEXT MEETING

The Board adjourned the meeting at approximately 12:35 p.m. The Board will meet again on November 10, 2015 (tentative) in Harrisburg (Rachel Carson State Office Building, Conference Room 105).

AGGREGATE ADVISORY BOARD (BOARD)
Tuesday, November 10, 2015
Harrisburg, PA

Rachel Carson State Office Building
Conference Room 105

This meeting was held in an Openscape Web/Conference Call format. Most of the meeting attendees shown below participated in person, except where noted.

VOTING MEMBERS OR ALTERNATES PRESENT

Richard Morrison, Department of Environmental Protection (DEP): Deputy Secretary, Office of Active and Abandoned Mine Operations (Alternate, Chairman)
Thomas Bryan, Bryan Materials Group (Member)
Terry Dayton, Citizens Advisory Council (CAC) (Member)
Richard Fox, Executive Director, Senate Environmental Resources and Energy Committee (Alternate)
Mike Hawbaker, Glenn O. Hawbaker, Inc. (Alternate)
Katherine Hetherington-Cunfer, Acting Executive Director of the CAC (Alternate)
Robert Hughes, Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) (Member) (via Openscape)
Jonathan Lutz, Executive Director, House Environmental Resources and Energy Committee (Alternate)
Representative Sandra Major, PA House of Representatives (Member) (via Openscape)
Adam Pankake, Office of Senator Gene Yaw (Alternate)
Todd Schmidt, PA Bluestone Association (PBA) (Alternate)

Mark Snyder, Pennsy Supply, Inc. (Member, Vice-Chairman)
Patty Tamayo, Office of Representative Bryan Barbin (Alternate)
Peter T. Vlahos, PA Aggregate and Concrete Association (PACA) (Alternate)

OTHER ATTENDEES

Bill Allen, DEP Bureau of Mining Programs
Tom Callaghan, DEP Bureau Director, Mining Programs
Tammy Cree, DEP Office of Active and Abandoned Mine Operations
Laura Edinger, DEP Policy Office
Josie Gaskey, PACA
Jennifer Gulden, DEP Bureau of Mining Programs
Sharon Hill, DEP Bureau of Mining Programs
Paul Pocavich, DEP Bureau of Mining Programs
Jessica Shirley, DEP Policy Office
Dan Snowden, DEP Bureau of Mining Programs/Aggregate Advisory Board Liaison

CALL TO ORDER/INTRODUCTIONS

Board Chairman Morrison called the meeting to order at 10:00 a.m. All persons in attendance, both in person and on Openscape, introduced themselves.

APPROVAL OF MINUTES

There was one revision to the minutes from the Board's August 12, 2015 meeting –Mr. Bryan's affiliation was amended. He is with Bryan Materials Group - his affiliation had been listed as PACA.

Once this revision was noted, the Board voted unanimously to approve the minutes from its August 12, 2015 meeting.

CORRESPONDENCE

No correspondence was reported for the Board.

ACTION ITEMS (AUGUST 12, 2015 MEETING)

Mr. Morrison acknowledged the action items from the Board's August 12, 2015 meeting. The action items for the Board's Regulatory, Legislative and Technical (RLT) Committee to set up an initial Committee conference call; select a Committee chairperson; adopt the Committee's mission statement; and set dates for initial RLT Committee meetings were completed.

The action item regarding Permit Decision Guarantee (PDG) applications is still under review. The main point of discussion is application quality – regarding non-coal applications under the PDG program that have been identified as being incomplete and have since become pre-applications. Mr. Callaghan stated that he had asked William Plassio, Bureau Director, DEP District Mining Offices (DMO), to attend an upcoming Board meeting to discuss these applications. Therefore, this action item is likely to be revisited at the next Board meeting.

The action item regarding bond rate guidelines (i.e., specifying what types of information to look for with regards to full-cost bonding details) is related to inequities. Exposure to spoil piles is a key concern and a need was expressed to upgrade bonds for sites with large spoil piles. Bond rate guidelines will be reviewed in 2016, both for coal and non-coal sites.

COMMITTEE REPORTS

Mr. Snyder provided a summary report of the RLT Committee's September 22, 2015 and October 23, 2015 meetings with DEP. Although the information that the Committee requested from DEP was provided, the Board additionally requested a cost analysis (income statement/balance sheet) to make a determination of the overall cost to run DEP's mining program. The RLT Committee plans to hold meetings to further discuss costs in December 2015 and January 2016, prior to the next full Board meeting in February 2016.

UPDATES

Mr. Allen presented on the non-coal mining program:

- **Technical Guidance (Non-Regulatory Agenda):**
 - *Pre Applications, Blaster's License Suspension, Coal Ash, General Permit (GP) Materials, Civil Penalties and Government Financed Construction Contracts (GFCCs): All undergoing further developments.*
 - *Engineering Manual: Under Regulatory Counsel review (there are some permitting issues regarding the Soil Erosion Manual (Erosion and Sedimentation Control Book) and the Stormwater Manual (Chapter 102).*
 - *Reclamation Fill: Drafting is complete. Please refer to page 6 of these minutes for additional information.*
- **Regulatory Agenda:**
 - *Chapters 210/211 (Explosives/Blasting): reviewed by the Environmental Quality Board (EQB); currently undergoing review by the Office of Attorney General.*
 - *Non-Coal Program and Fees: Please refer to the presentations below.*

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
 - *There have been 624 draft permits sent to US EPA, as of October 30, 2015; 32 of these were non-coal draft permits. US EPA commented or objected on 349 of these draft permits (8 of these were non-coal).*
 - *6 non-coal permits have been issued and 2 more could be issued (all with comments); additionally, 21 permits have been issued, with 1 permit that could be issued and, 1 permit pending (30 days), all with no comments (including 16 “No Comment” letters).*
 - *Outstanding NPDES permitting issues include the following (most of these issues are related to coal permit applications):*
 - Checklist
 - Effluent Characterization
 - Detection limits
 - US EPA Staff Turnover
 - Monthly Calls (ceased at the moment due to US EPA staff turnover)

- **Historical Non-Coal Permit Application Progress:** For industrial minerals permit applications, 409 of 444 such applications have been disposed (92.1% of the total) – all from the Pottsville District Mining Office. There are 35 industrial minerals permit applications still outstanding (7.9% of the total), and 17 of these (3.8% of the total; 48.6% of the outstanding applications) are permit renewal applications.

- **PDG Applications (Non-Coal):**
 - **On-Time Performance for PDG Applications (District Mining Offices (DMOs)):**
 - Pottsville DMO: 63.1% on-time (674 applications received, 404 issued, 19 withdrawn and 11 returned or denied).
 - New Stanton DMO: 68.1% on-time (124 applications received, 91 issued, 2 withdrawn, and 2 returned or denied).
 - Cambria DMO: 77.1% on-time (157 applications received, 122 issued, 1 withdrawn, and 5 returned/denied).
 - Moshannon DMO: 88.3% on-time (238 applications received, 188 issued, 10 withdrawn, and 10 returned or denied).
 - Knox DMO: 91.3% on-time (378 applications received, 334 issued, 8 withdrawn and 4 returned or denied).

 - **Outstanding PDG Applications (as of October 29, 2015):**
 - There are 360 PDG applications pending (including 31 small operator permits; 83 large operator permits; and 153 NPDES permits; the other 93 are a combination of general permits, blast plans, completion reports, and bonding increments).
 - The average time elapsed: 298 days.

 - **Overdue PDG Applications (as of October 29, 2015):**
 - Pottsville DMO: 241 applications pending (30-day review) and 136 applications overdue (317-day review).
 - Moshannon DMO: 30 applications pending (80-day review) and 8 applications overdue (175-day review).
 - New Stanton DMO: 28 applications pending (156-day review) and 12 applications overdue (289-day review).
 - Cambria DMO: 29 applications pending (120-review) and 13 applications overdue (216-day review).

- Knox DMO: 32 applications pending (94-day review) and 8 applications overdue (243-day review).
 - As an action item under this section: The Board recommended that an assessment be undertaken concerning the focus of the engineers (submitting the applications) and the focus of DEP (reviewing the applications) during permit application preparation and review. The Board is looking at what assistance it can offer during these permit application submission and review exercises.
- **Non-Coal Fund (Fee and Related Revenues)** (Note: The Board requested month-by-month information on non-coal revenues; this will be discussed further with the Board's RLT Committee):
 - Fee Revenue (3rd Quarter 2015): In the areas of Administrative Fees, Permitting Fees, and Licensing Fees, the following were applicable for the 3rd quarter of the 2015 calendar year:
 - July 2015: \$70,000.00 (administrative fees); \$67,760.00 (permitting fees); and \$10,893.00 (licensing fees).
 - August 2015: \$141,525.00 (administrative fees); \$26,760.00 (permitting fees); and \$18,800.00 (licensing fees).
 - September 2015: \$61,775.00 (administrative fees); \$21,635.00 (permitting fees); and \$13,750.00 (licensing fees).
 - Totals: \$273,300.00 (administrative fees); \$116,255.00 (permitting fees); and \$43,443.00 (licensing fees).
 - Other Revenue (3rd Quarter 2015): In the areas of Penalties, Interest and Payment In Lieu of Bond (PILB), the following were applicable for the 3rd quarter of the 2015 calendar year:
 - July 2015: \$7,175.00 (penalties); \$15,190.24 (interest); and \$3,733.00 (PILB).
 - August 2015: \$6,250.00 (penalties); \$13,647.99 (interest); and \$24,830.63 (PILB).
 - September 2015: \$21,250.00 (penalties); \$41,822.62 (interest); and \$30,682.16 (PILB).
 - Clean Water Fund (CWF) Mining Fee Revenue: The revenue listed here covers both coal and non-coal fees, along with NPDES and Chapter 105 fees. For fiscal years (FY) 2012-2013 to 2015-2016 (to date), the following were applicable:
 - FY 2012-2013: \$247,800.00
 - FY 2013-2014: \$523,296.00
 - FY 2014-2015: \$474,729.00
 - FY 2015-2016 (as of September): \$129,718.00
- **Non-Coal Program Overview/Bonding and Bond Forfeitures**:
 - Facilities (Inspectable Units, as of October 30, 2015):
 - Small Operations (< 2,000 tons/year): 1,145 (inspected twice annually).
 - Small Operations (< 10,000 tons/year): 335 (inspected twice annually).
 - Large Operations: 812 (inspected 4 times per year).
 - GP 103 Operations: 10 (inspected 4 times per year).
 - GP 105 Operations: 54 (inspected twice annually).
 - Underground Operations: 9 (inspected 4 times per year).

- Types of Applications (as of October 30, 2015):
 - Licenses: 1,031 (including 27 new ones)
 - Large Operations (new): 9
 - Small Operations (new): 37
 - NPDES (new): 12 (along with 45 GP 104)
 - NPDES (renewal): 50
 - Pre-Applications: 7

- Non-Coal Surface Mining Conservation and Reclamation Act (NSMCRA) Fund Obligations (as of October 30, 2015):
 - Cash Collateral: \$2,055,457.87
 - PILB Underwritten: \$2,090,597.05
 - Bond Forfeiture (BF) Reclamation: less than \$4.3 million
 - NSMCRA Fund Balances (as of September 30, 2015):
 - ❖ General Operations: \$6,844,563.65
 - ❖ Collateral: \$1,891,306.63
 - ❖ Restricted Bond: \$675,017.52

- Bond Forfeitures: For the years 2010 to 2015, the breakdown for bond forfeitures for small and large operators was as follows:
 - 2010: 8 small operator bond forfeitures; no large operator bond forfeitures.
 - 2011: 1 small operator bond forfeiture; no large operator bond forfeitures.
 - 2012: 11 small operator bond forfeitures; 2 large operator bond forfeitures.
 - 2013: 15 small operator bond forfeitures; no large operator bond forfeitures.
 - 2014: 32 small operator bond forfeitures; 1 large operator bond forfeiture.
 - 2015 (as of October 2015): 34 small operator bond forfeitures; 3 large operator bond forfeitures.

USE OF RECLAMATION FILL TECHNICAL GUIDANCE DOCUMENT

Ms. Hill provided an update on DEP Technical Guidance Document 563-2000-301 (Use of Reclamation Fill at Active Non-Coal Sites). She noted that this document was completed through a revision of Appendix A (Sampling and Analyses for Material to be Used as Reclamation Fill). She stated that the Bureau of Mining Programs had worked with the Bureau of Environmental Cleanup and Brownfields (per the Act 2 Program) to set up analytical parameters that were based on the existing Act 2 Statewide Health Standards. She also reported that the guidance document would be reviewed by the Cleanup Standards Scientific Advisory Board at that advisory committee's December 16, 2015 meeting.

CLEAN POWER PLAN PRESENTATION

Ms. Shirley provided information about the US EPA's Clean Power Plan and Pennsylvania's efforts to develop a similar plan of its own. She explained the Clean Power Plan as well as plan development and goals specific for Pennsylvania. Ms. Shirley also noted that DEP is accepting comments on Pennsylvania's implementation of the Clean Power Plan through November 12, 2015. For additional information, Ms. Shirley's presentation on the Clean Power Plan is available online.

OVERVIEW OF THE DEP REGULATORY PROCESS

Ms. Edinger provided an overview of DEP's regulatory process, walking the Board through the development and review of proposed and final regulations. She highlighted the roles of the Environmental Quality Board (EQB), the Bureau of Coal Mine Safety (BCMS), the Governor's Policy Office (GPO), the Office of General Counsel (OGC), the Office of Budget, the Attorney General's Office, the Independent Regulatory Review Counsel (IRRC), and, relevant advisory committees, at each step

of the process for proposed and final rulemakings. She included information regarding public participation in the regulatory review process as well.

BOARD MEETINGS FOR 2016

The Board set the schedule for its 2016 meetings, which will be held at 10:00 a.m. on the following dates:

- February 3, 2016
- May 4, 2016
- August 3, 2016 (there will be a field trip preceding this meeting, on August 2, 2016)
- November 2, 2016

OPEN TIME

Mr. Hawbaker commented on the Clean Power Plan and its potential impact to coal plants. His concern was whether any consideration would be given for the reclamation activities that occur in conjunction with waste coal plant operations. Mr. Callaghan mentioned that a 2-year grant from the Office of Surface Mining (OSM) was being sought for this. It was also stated that the US EPA did consider cost factors to coal plants when developing its Clean Power Plan.

ADJOURNMENT

The Board adjourned its meeting at 12:00 p.m.