

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Minutes**  
**Wednesday November 7, 2018**  
**Rachel Carson State Office Building**  
**400 Market St, 10<sup>th</sup> Fl Conference Room**  
**Harrisburg, PA 17101**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

Thomas J. Bryan, III (Vice-Chairperson)  
John Stefanko (Department of Environmental Protection (DEP) – Active and Abandoned Mine Operations (AAMO); Alternate/Chair)

Peter Vlahos (PA Aggregates and Concrete Association (PACA) - Alternate)  
Keith Salador (Citizens Advisory Council (CAC) - Alternate)  
Nick Troutman (PA Senate - Alternate)  
Paul Detwiler, III (Member)  
D. Michael Hawbaker (Alternate)  
Timothy Collins (PA Senate - Alternate)  
William Ruark (Member)  
R. Timothy Weston (CAC - Member)  
Rep. Ryan Mackenzie (PA House, via Web-ex)

**OTHER ATTENDEES:**

Allison Acevedo (DEP – Office of Environmental Justice)  
Darrel Lewis (AMC)  
Andrew Gutshall (Visitor)  
Matt Rindfuss (PA House) (via Web-ex)  
Josie Gaskey (PACA)  
Bill Allen (DEP – Bureau of Mining Programs (BMP))  
Bruce Carl (DEP – BMP)  
Eric Oliver (DEP – BMP)  
Jennifer Gulden (DEP – BMP)  
Paul Pocavich (DEP – BMP)  
Joseph Iole (DEP – Legal)  
Sharon Hill (DEP – BMP)  
Dan Sammarco (DEP – District Mining Office)  
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 8, 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 October 24, 2018. BMP provided the Committee with information on revisions to Chapter 77 and, discussed issues relating to Karst and the Karst workgroup. BMP will provide a draft Karst Supplement form to the Board's RLT Committee at its January meeting. The Supplement uses previous suggestions from the July meeting of the Karst Workgroup.

The Noncoal Mining Program Fees Final Rulemaking was delivered to the Independent Regulatory Review Commission (IRRC) for consideration at its October 18, 2018 meeting. The rulemaking was subsequently withdrawn to make clarifying amendments. It is anticipated that this rule, as amended, will be considered by the Environmental Quality Board (EQB) at its December 18, 2018 meeting.

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

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Several technical guidance documents are moving forward towards completion. These include: 1) Engineering Manual; 2) Civil Penalties; and 3) Beneficial Use of Sewage Sludge at Active Mine Sites (initially drafted and comments received, with a corresponding comment/response document; will be rerouted for approval).
- **Regulatory Agenda:**  
It is anticipated that the Noncoal Mining Program Fees rule, as amended, will be considered by EQB at its December 18, 2018 meeting.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
  - As of October 31, 2018, 901 Draft NPDES permits (56 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). EPA has commented or objected on 407, of which ten were non-coal. No comments have been received since the last report.

- Between 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 \$196,425.00 collected so far for FY 2018-2019, as of October.
  - The Standard Operating Procedure (SOP) for Non-discharge alternatives is in progress and will be shared with the Board when available. As of July 1, 2018, the Checklist has been implemented, and Mr. Allen will continue to update the Board on its status.
- **Program Overview (Facilities and Applications):**
    - Between March 2016 and October 2018, the numbers of inspectable units fell slightly for small facilities (both < 2,000 tons/year and < 10,000 tons/year) and large facilities. GP103 and GP105 Operator permits increased slightly, as well as a slight increase in the number of underground facilities.
    - Between 2013 and 2018 the ranges for various application types included the following:
      - Licenses: between 1,252 (2013) and 1,135 (2017), with 951 for 2018.
      - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2018.
      - Small Facilities (New): between 51 (2016) and 25 (2013), with 29 for 2018.
      - NPDES (New): between 32 (2017) and 11 (2013), with 33 for 2018.
      - NPDES (Renewal): between 88 (2016) and 50 (2014), with 71 for 2018.
      - Pre-Applications: between 15 (2013) and 2 (2016), with 2 for 2018.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
    - As of October 2018, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.5 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
    - The NCSMCRA fiscal report showed about \$3.8 million in general operations monies, with about \$2.1 million in collateral and over \$870,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures:**
    - Between 2011 and 2017, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015).
    - Between 2011 and 2017, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

## **NEW BUSINESS**

### **2019 Aggregate Advisory Board Meeting Dates**

The Board scheduled the Quarterly meetings for the 2019 year. The Board will meet on February 6, May 1, August 7 (field trip), and November 6.

### **Sediment Pond Recertification**

Mr. Oliver gave a brief presentation on this topic. There are some discrepancies in the State and Federal mining programs regarding this topic which were meant to be addressed in the BMP Engineering Manual. A work group has convened to cover the issues related to this topic. The Board will continue to be notified as follow-up continues.

### **Office of Environmental Justice**

Ms. Acevedo provided the Board with an introduction to the Office of Environmental Justice, including information about its history and its continuing outreach to the public.

## **ADJOURNMENT/NEXT MEETING**

The meeting was adjourned at approximately 12 p.m. The Board will meet again on February 6, 2019 in Room 105 of the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.