

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, May 6, 2020
Virtual Meeting (via Skype)

VOTING MEMBERS OR ALTERNATES PRESENT:

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Ronald Kurpiel (Alternate – Hanson Aggregates)
Griffin Caruso (Alternate – PA House of Representatives)
Mike Hawbaker (Member – Glenn O. Hawbaker, Inc.)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Nick Troutman (Alternate – PA Senate)
Timothy Collins (Alternate – PA Senate)
Thaddeus Stevens (Member – Citizens Advisory Council (CAC))
Timothy Weston (Member – CAC)

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Eric Oliver (DEP – BMP)
Paul Pocavich (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Ross McMann (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Kate Cole (DEP – Policy Office)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Josie Gaskey (Guest – PACA)
Andrew Gutshall (Guest – Lehigh-Hanson)
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)
Rachel Odzer (Guest – Keystone Cement)
Beth Kern (Guest)

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 motion to approve the minutes from the November 6, 2019 meeting was put forward by Mr. Vlahos and seconded by Mr. Detwiler. The minutes were approved without comment.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee met on March 30 to discuss revisions to the Chapter 77 regulations. BMP provided the Board with full details on the several minor changes that were identified. Mr. Detwiler made the motion to move the Chapter 77 regulatory package forward, pending said changes. Mr. Weston seconded, with Board approval following.

BUREAU OF MINING PROGRAMS UPDATES

The Board was provided with updates on the following topics:

- **Small Noncoal Applications Breakdown:**
Ms. Hill provided the Board with detailed information regarding the distribution of applications across the DMOs as of April 1, 2020.
- **Non-Regulatory Agenda:**
The Engineering Manual will be available as a draft for Board review at the next full meeting. It is expected to have a longer review period because of its length.
- **Regulatory Agenda:**
(See "Committee Reports")
- **Technical Items:**
The Pond Certification and Public Meetings Standard Operating Procedures (SOPs) were published, as well as the National Pollutant Discharge Elimination System (NPDES) revised application. GP-104 was sent to United States Environmental Protection Agency (US EPA) for review, and the final draft of GP-106 is current under preparation
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
 - As March 25, 1091 Draft NPDES Permits (58 of which were non-coal) were sent to the US EPA. The US EPA has commented or objected on 423 of these permits, 10 of which were non-coal.
 - There have been no monthly US EPA calls since February.

- **Program Overview (Facilities and Applications):**
 - Between March 2016 and March 2020, 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 2015 and 2019, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 1,098 (2018), with 213 for 2020.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2020.
 - Small Facilities (New): between 51 (2016) and 27 (2019), with 0 for 2020.
 - NPDES (New): between 33 (2018) and 13 (2016), with 2 for 2020.
 - NPDES (Renewal): between 88 (2016) and 46 (2019), with 14 for 2020.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 0 for 2020.

- **Bonding and Bond Forfeitures:**
 - Between 2014 and 2019, the number of bond forfeitures for large operators ranged from a low of 0 (2016, 2018) to a high of 3 (2015), with 0 for 2020.
 - Between 2014 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 0 for 2020.

- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**
As of the meeting date, there were 77 Coal Mining Exploration Notices. The Greenport user interface was made more accessible, and operator registration continues to improve.

- **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, \$2.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$2.5 million in general operations monies, with about \$2.5 million in collateral and over \$1 million in restricted bond monies.

- **Clean Water Fund (CWF) Mining Fee Revenue:**
Between Fiscal Year (FY) 2012-2013 and FY 2019-2020 (to date), CWF mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$646,500.00 (FY 2015-2016), with \$763,349.00 collected so far for FY 2019-2020.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. All DMOs are teleworking, even those under reduced lockdown guidance. Mission critical inspections are still taking place.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Vlahos and seconded by Mr. Detwiler. After Board approval, the meeting concluded at approximately 11:00 a.m. In accordance with the Governor's emergency disaster declaration and based on advice from the Pennsylvania Department of Health regarding the mitigation of the spread of novel Coronavirus (COVID-19), the upcoming Aggregate Advisory Board meeting is currently scheduled to be held in a virtual format, via Skype, at 10 a.m. on August 5, 2020. Anyone wishing to join the meeting may do so remotely. Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting