

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, February 5, 2020
Rachel Carson State Office Building
400 Market St, Conference Room 105
Harrisburg, PA 17101

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.)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Rep. Mike Carroll (Member – PA House) (via Skype)
Thaddeus Stevens (Member – Citizens Advisory Council (CAC)) (via Skype)

OTHER ATTENDEES:

Josie Gaskey (PACA)
Amy Berrios (DEP – AAMO)
Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Eric Oliver (DEP – BMP)
Paul Pocavich (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Ross McMann (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Kate Cole (DEP – Policy Office)
Kara Fetter (DEP – Policy Office)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Ronald Kurpiel (Guest – Hanson Aggregates)
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)
Rod Martin (Guest – Martin Stone)
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 minutes from the November 6, 2019 meeting were approved.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The Board's Regulatory, Legislative and Technical (RLT) Committee continues to work with the DEP and, is currently processing the information provided by DEP on the proposed Chapter 77 regulation revisions.

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 previously requested information regarding the distribution of applications across the DMOs for the entire 2019 year. There continues to be a relative balance of processed and pending applications across all offices, and the statistics are similar to those of previous years.

- **Non-Regulatory Agenda:**

The Engineering Manual continues its review in Legal. The Board will be updated with any status changes.

- **Regulatory Agenda:**

The DEP intends to present the Board with the proposed Chapter 77 rule for recommendation to proceed with the rulemaking process at its May meeting. The RLT committee will convene to discuss this proposed rule, as time is made available.

- **Technical Items:**

The Pond Certification and Public Meeting Standard Operating Procedures were published online at the end of January 2019. The revised National Pollutant Discharge Elimination System (NPDES) was provided to the United States Environmental Protection Agency (US EPA) for review in November 2019. BMP is drafting changes to GP-104, which expires in February 2021, hoping to include GFCCs, Consent Agreements, and to fix errors in monitoring and reporting requirements. BMP is also preparing the final draft of GP-106.

- **NPDES Permitting:**

- As of December 6, 2019, 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.
- Monthly calls with the US EPA continue as usual.

- **Program Overview (Facilities and Applications):**

- Between March 2016 and December 2019, the numbers of inspectable units fell for both small facilities (two categories: < 2,000 tons/year and, < 10,000 tons/year) and,

for large facilities (> 10,000 tons/year). GP-105 Operator permits increased, as well as a slight increase in the number of underground facilities. GP-103 Operator Permits showed no change.

- Between 2014 and 2019, the ranges for various application types included the following:
 - Licenses: between 1,204 (2015) and 1,098 (2018), with 981 for 2019.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 6 for 2019.
 - Small Facilities (New): between 51 (2016) and 32 (2018), with 27 for 2019.
 - NPDES (New): between 33 (2018) and 13 (2016), with 24 for 2019.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 46 for 2019.
 - Pre-Applications: between 8 (2014) and 2 (2016), with 7 for 2019.
- **Bonding and Bond Forfeitures:**
 - Between 2013 and 2019, the number of bond forfeitures for large operators ranged from a low of 0 (2011, 2013) to a high of 3 (2015), with 3 for 2019 (1 rescinded).
 - Between 2013 and 2019, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 3 for 2019.
 - Mr. Carl also provided the Board with updated figures for noncoal bond rates, based on evaluations on coal bond rates, specifically affecting revegetation and earth moving requirements. This information was published in the PA Bulletin, and effective as of February 2, 2020.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR)**

As of the meeting date, there were 64 Coal Mining Exploration Notices. Operator registration continues to improve, and the BMP is increasing accessibility of information for both the EPA and in general. By December 2020, all inspections, including underground and blasting, should be available in mobile format.
- **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 \$891,000.00 in restricted bond monies.
- **Clean Water Fund (CWF) Mining Fee Revenue:**

Between Fiscal Year (FY) 2013-2014 and FY 2019-2020 (to date), CWF mining fee revenues ranged from a low of \$342,805.00 (FY 2016-17) to a high of \$646,500.00 (FY 2015-2016), with \$589,049.00 collected so far for FY 2019-2020.

NEW BUSINESS

Update from District Mining Offices

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

PA Map of Noncoal Sites Requiring Reclamation

Mr. Oliver provided the Board with a map detailing forfeited noncoal sites requiring reclamation throughout the state, as of January 2020. This map is available among the Board handouts for detailed review.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:45 a.m. The Board will meet again on May 6, 2020 at 10:00 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.