

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Wednesday, November 4, 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.)  
William Ruark (Member – Meshoppen Stone, 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)  
Timothy Weston (Member – CAC)

**OTHER ATTENDEES:**

William Allen (DEP – Bureau of Mining Programs (BMP))  
Bruce Carl (DEP – BMP)  
Sharon Hill (DEP – BMP)  
Gregory Greenfield (DEP – BMP)  
Geoffrey Lincoln (DEP – BMP)  
Kevin Bogdan (DEP – BMP)  
Ross McMann (DEP – BMP)  
Michael Plazek (DEP – BMP)  
Keith Previc (DEP – BMP)  
Gregory Shuler (DEP – BMP)  
James Charowsky (DEP – BMP)  
Jennifer Gulden (DEP – BMP)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)  
Daniel Sammarco (DEP – Bureau of District Mining Operations (DMO))  
Amy Berrios (DEP - AAMO)  
Kate Cole (DEP – Policy Office)  
Christopher Minott (DEP – Legal)  
Josie Gaskey (Guest – PACA)  
Andrew Gutshall (Guest – Lehigh-Hanson)  
Jonathan Kolbe (Guest – Allegheny Minerals Corporation)

**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 August 5, 2020 meeting was put forward by Mr. Detwiler and seconded by Mr. Weston. 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 September 18, 2020 to discuss the Engineering Manual. The DEP acknowledged the comments made in the meeting from the Committee. The Engineering Manual has been published for public comment in the *PA Bulletin*.

## **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 September 2020.

- **Non-Regulatory Agenda:**

The updated Engineering Manual has been published for in the *PA Bulletin*. Due to its size, the public comment period will last until January 28, 2021.

- **Regulatory Agenda:**

Chapter 77 has received approval to be on the agenda of the November Environmental Quality Board (EQB) meeting, after which it will go for public comment.

- **Technical Items:**

The Small Noncoal Application, Bond Calculation form, and Bond Release form have all been updated and are available online. Older versions of the form received in the next few weeks will still be accepted.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**

- As August 28th, 1,127 Draft NPDES Permits (58 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 445 of these permits, 10 of which were non-coal.
- Monthly calls with the US EPA have continued and have mainly discussed data uploads to the US EPA database from the DEP Water Management database, as well as permit information and Discharge Monitoring Report (DMR) uploads.

- **Program Overview (Facilities and Applications):**
  - Between March 2016 and September 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 decreased by one.
  - Between 2015 and 2020, the ranges for various application types included the following:
    - Licenses: between 1,204 (2015) and 981 (2019), with 608 for 2020.
    - Large Facilities (New): between 11 (2015) and 4 (2016), with 7 for 2020.
    - Small Facilities (New): between 51 (2016) and 27 (2019), with 6 for 2020.
    - NPDES (New): between 33 (2018) and 13 (2016), with 6 for 2020.
    - NPDES (Renewal): between 88 (2016) and 46 (2019), with 38 for 2020.
    - Pre-Applications: between 8 (2014) and 2 (2016), with 3 for 2020.
- **Bonding and Bond Forfeitures:**
  - Between 2014 and 2020, 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 2020, the number of bond forfeitures for small operators ranged from a low of 6 (2 Rescinded) (2017) to a high of 34 (2015), with 7 for 2020 (1 rescinded).
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
  - Eighty-six Coal Mining Exploration Notices have been received in system.
  - By the end of November, the BMP is hoping to release the Annual Production Report in web application form. Online training will be available, but Green Port accounts are required. The bonding module is completed for the Coal Surface Mining Application. The IT department is continuing work on the Maintenance module, which will allow the BMP staff to develop applications within house. The module is tentatively scheduled to be finished by the end of the year.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
  - As of the latest report, there is over \$2.6 million in cash collateral, \$2.6 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
  - The NCSMR fiscal report showed about \$1.7 million in general operations monies, with about \$2.6 million in collateral and over \$1 million in restricted bond monies.

- **CWF Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2019-2020 (to date), Clean Water Fund 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 \$118,120.00 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 continuing to telework but operations have essentially returned to normal. Vacant positions within the DMOs continue to be filled.

### **GP-104 Reissuance**

GP-104 is nearing a deadline for issuance in February 2021. It will affect over 700 operators. The BMP is working with the US EPA throughout the revision process and hopes to have the permit in place before the February guideline. An electronic renewal system should be in place in time for the 2026 reissuance.

Under the new guidance from the US EPA, all permit coverages will expire on the same day. There are currently permits with staggered dates who need to be on the same schedule. The BMP will send out letters to operators requiring certified acceptance to the new permit coverage, or they will need to apply for a new permit within a certain timeframe. Upon acceptance, operators would then be reissued coverage under the new issuance until the 2026 expiration date.

The BMP is working with the US EPA throughout the revision process and hopes to have the permit in place before the February guideline. An electronic renewal system should be in place in time for the 2026 reissuance. The BMP is awaiting formal acceptance from the US EPA on the proposed revisions.

### **Meetings for 2021**

The Board established that it would meet in 2021 on February 3, May 5, August 4, and November 3.

## **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was made by Mr. Vlahos and Mr. Weston. After Board approval, the meeting concluded at approximately 11:20 a.m. The next scheduled meeting is to be held via Skype, at 10 a.m. on February 3, 2021. Anyone wishing to join the meeting may do so remotely.