

PENNSYLVANIA AGGREGATE ADVISORY BOARD

2018 ANNUAL REPORT



**AGGREGATE
ADVISORY BOARD**

P.O. Box 8461 • Harrisburg, PA 17105

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 continuing to work 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 Vice-Chair of the 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 continuing open, candid discussions relating to noncoal mining at these Board meetings.

Thomas J. Bryan
Engineer – Bryan Materials Group, Inc.

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
2018 Meetings	3
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 – 2018 Meeting Minutes.....	16

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 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.

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 2016 Membership list. A list of current members as well as other information can be found on DEP's website.

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. Elected by the Board in 2018 as Vice-Chair is Thomas J. Bryan, Engineer, Bryan Materials Group, Inc.

Committees and Responsibilities

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.

2018 Meetings

Full Board meetings were held on February 8, 2018; May 9, 2019; August 8, 2018; and November 7, 2018. A tour of the Pennsy Supply Thomasville Quarry operation was held on August 8, 2018, in conjunction with the August 8, 2018 meeting. Meeting minutes can be found on DEP's website and Appendix E of this report.

The Regulatory, Legislative and Technical Committee met on October 24, 2018 to discuss proposed revisions to the Chapter 77 regulations. A subcommittee of the RLT Committee also met periodically in 2018 to discuss karst-related issues (a Karst Workgroup was developed from this effort) and, changes to geology- and groundwater-related noncoal permit application modules.

During all full Board meetings of 2018, the Board received general updates on noncoal mining matters related to updates from the Bureau of Mining Programs (BMP: regulatory and non-regulatory agendas; Fee Packages; National Pollutant Discharge Elimination System (NPDES) permitting; program overviews (facilities and applications); Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations (including revenues and expenditures); and, Bonding and Bond Forfeitures. The Board also received regular updates from the Bureau of District Mining Operations (BDMO).

Major Activity

The Board engaged in the following activities during the 2018 calendar year:

- Elected Thomas J. Bryan as Vice-Chair
 - Announced the appointments of Timothy Collins and Nicholas Troutman to the Board per the PA Senate, as alternates for Senators John Yudichak and Gene Yaw, respectively.
 - Requested recognition from the DEP for the noncoal mining industry's safety record;
 - Attended a field trip at the Pennsy Supply Thomasville Quarry. The facility has mining operations (surface and underground) and production areas where chemical-grade limestone and other mined commodities are turned into products for consumers and industry;
 - Learned about the status of the following: a) the Chapter 210 and Chapter 211 regulations (scheduled for publication in July or August of 2018); b) the Completion Report and Direct Submittal of Bonds documents (both entering the finalization stage); c) the Engineering Manual (scheduled to be published as a draft document ready for comment in 2018; and d) the Blaster's Manual has been successfully posted to the E-library;
 - Learned about Sediment Pond Recertification; and
 - Learned about the activities of the DEP Office of Environmental Justice.
-

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 May 2018)

<p>Patrick W. McDonnell, Chairperson Secretary PA Department of Environmental Protection 400 Market Street, 16th Floor P. O. Box 2063 Harrisburg, PA 17105-2063</p>	<p>The Honorable Ryan Mackenzie PA House of Representatives 160A East Wing P.O. Box 2134 Harrisburg, PA 17120-2134</p>
<p>The Honorable Bryan Barbin PA House of Representatives 4 East Wing P O Box 202071 Harrisburg, PA 17120-2071</p>	<p>William M. Ruark Meshoppen Stone, Inc. 524 SR 4015 Meshoppen, PA 18630</p>
<p>Thomas J. Bryan, Vice-Chairperson 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>The Honorable Gene Yaw PA Senate Room: 362 Main Capitol Senate Box 203023 Harrisburg, PA 17120-3023</p>
<p>Paul Detwiler, III New Enterprise Stone and Lime Co. 3912 Brumbaugh Road P. O. Box 77 New Enterprise, PA 16664</p>	<p>R. Timothy Weston Citizens Advisory Council K& L Gates LLP 17 North 2nd Street, 18th Floor Harrisburg, PA 17101</p>
<p>William C. Fink Citizens Advisory Council Country View Family Farms (CVFF) 1301 Fulling Mill Road, Suite 3000 Middletown, PA 17057</p>	<p>The Honorable John Yudichak PA Senate Senate Box 203014 Room: 458 Main Capitol Harrisburg, PA 17120-3014</p>
<p>Robert Hughes Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) 101 South Main Street Ashley, PA 18706</p>	

**AGGREGATE ADVISORY BOARD ALTERNATES
(as of May 2018)**

<p>John Stefanko, 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>Keith Salador Executive Director Citizens Advisory Council PO Box 8459 13th FL, RCSOB Harrisburg, PA 17105-8459</p>
<p>Timothy Collins, 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>Michael Hewitt, Program Manager Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR) 101 South Main Street Ashley, PA 18706</p>	<p>Nick Troutman, Communications Director PA Senate – Office of Senator Gene Yaw 362 Main Capitol Building P. O. Box 203023 Harrisburg, PA 17120</p>
<p>Ronald Kupriel, Vice-President/General Manager Hanson Aggregates, Western PA Breakneck Road Connellsville, PA 15425</p>	<p>Peter Vlahos, President PA Aggregates and Concrete Association 3509 North Front Street Harrisburg, PA 17110</p>
<p>Leda Lacomba PA House of Representatives Environmental Resources and Energy Committee 31 Ryan Office Building PO Box 202217 Harrisburg, PA 17120-2217</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 - 2018 Meeting Minutes

AGGREGATE ADVISORY BOARD (BOARD)

Thursday February 8, 2018

**Rachel Carson State Office Building
12th Floor Conference Room, 400 Market St,
Harrisburg, PA 17101**

VOTING MEMBERS OR ALTERNATES PRESENT:

John Stefanko (DEP – Active and Abandoned Mining Operations (AAMO); Alternate/Chair)

Joanne Manganello (Alternate)

Leda Lipton (Alternate)

D. Michael Hawbaker (Alternate)

William Fink (Citizen’s Advisory Council, (CAC))

R. Timothy Weston (CAC)

Rep. Ryan Mackenzie (PA House, via Web-ex)

Rep. Bryan Barbin (PA House, via Web-ex)

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))

Tom Callaghan (DEP – BMP)

Abbey Cadden (DEP – Policy)

Tyler McCarthy (DEP – Policy)

Josie Gaskey (PA Aggregates and Concrete Associate (PACA))

Bruce Carl (DEP – BMP)

Eric Oliver (DEP – BMP)

Jennifer Gulden (DEP – BMP)

Sharon Hill (DEP – BMP)

Michael Plazek (DEP – BMP)

Christopher Whiteash (DEP – BMP)

Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)

Rodney Martin (Martin Stone Quarries, via Web-ex)

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 December 21, 2017 were approved without changes.

CORRESPONDENCE

The Board received no correspondence.

COMMITTEE REPORTS:

A subcommittee of the RLT committee met on December 17, 2017 to discuss karst-related issues.

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. The *Completion Report* and *Direct Submittal of Bonds* documents are both entering the finalization stage. The *Engineering Manual* is scheduled to be published as a draft document ready for comment in 2018. The *Blaster's Manual* has been successfully posted to the E-library.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives are scheduled to be brought to the February meeting of the Environmental Quality Board (EQB).

The Fee Update has been published for comment through March 5, 2018.

- **National Pollutant Discharge Elimination System (NPDES) Permitting:**
 - As of December 31, 2017, 825 Draft NPDES Permits (fifty of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 392 of these permits, of which ten were non-coal. There have been no comments since the last report.
 - Whole Effluent Toxicity Testing (WETT): The Department has prepared a draft and is working with the US EPA to further define the situations where testing involving WETT methods would be required.
 - Between FY 2012-2013 and FY 2017-2018 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$184,950.00 collected so far for FY 2017-2018, as of December.
- **Program Overview (Facilities and Applications):**
 - Between March 2016 and January 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 2012 and 2017 the ranges for various application types included the following:
 - Licenses: between 1,278 (2012) and 1,159 (2014), with 1135 for 2017.
 - Large Facilities (New): between 25 (2012) and 4 (2014), with 7 for 2017.
 - Small Facilities (New): between 51 (2016) and 25 (2013), with 43 for 2017.

- NPDES (New): between 32 (2017) and 11 (2013).
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 82 for 2017.
 - Pre-Applications: between (15) 2013) and 2 (2016), with 3 for 2017.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of December 31, 2017, the NCSMCRA fund obligations include over \$2 million in cash collateral, underwriting \$3.7 million in payment in lieu of bond coverage and, over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$4.4 million in general operations monies, with about \$2.1 million in collateral and, over \$852,000.00 in restricted bond monies.
- **Bonding and Bond Forfeitures:**
 - Between 2010 and 2017, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013) to a high of 3 (2015).
 - Between 2010 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

There was no new business.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:15 a.m. The Board will meet again on May 9, 2018 in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market St., Harrisburg PA 17101.

**AGGREGATE ADVISORY BOARD (BOARD)
Wednesday May 9, 2018
Rachel Carson State Office Building
400 Market Street, 10th Floor Conference Room
Harrisburg, PA 17101**

VOTING MEMBERS OR ALTERNATES PRESENT

Tom Bryan (Co-Chair)
John Stefanko (DEP – Active and Abandoned Mine Operations (AAMO))
Leda Lipton (Alternate)
Paul Detwiller (Alternate)
Nick Troutman (Alternate)
Tim Collins (Alternate)
Peter Vlahos (Alternate)
Ron Kupriel (Alternate)
Todd Schmidt (Alternate)

Rep. Bryan Barbin (Member) (via Web-ex)
Rep. Ryan Mackenzie (Member) (via Web-ex)
William Fink (Member) (via Web-ex)

OTHER ATTENDEES

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Neil Bakshi (DEP – Policy)
Joe Iole (DEP – Counsel)
Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Plassio (DEP – Bureau of District Mining Offices (DMOs))
Bruce Carl (DEP – BMP)
Eric Oliver (DEP – BMP)
Jennifer Gulden (DEP – BMP)
Sharon Hill (DEP – BMP)
Michael Plazek (DEP – BMP)
Christopher Whiteash (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Jennifer Schmidt (PA Bluestone Association)

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 February 8, 2018, meeting were approved without changes.

CORRESPONDENCE

It was announced that Nick Troutman and Tim Collins were appointed to the Board. Mr. Collins serves as an alternate for Senator John Yudichak and Mr. Troutman serves as an alternate for Senator Gene Yaw.

COMMITTEE REPORTS

A subcommittee of the RLT committee met on March 23, 2018 to discuss karst-related issues and revisions to Modules 7 and 8. The fall meeting will be announced once it has been scheduled.

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** Both the Completion Report and Direct Submittal of Bond Technical Guidance Documents (TGDs) were finalized on April 21, 2018. The Engineering Manual is continuing legal review. The Civil Penalty and Beneficial Use TGDs are in the comment process.

- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives are tentatively scheduled to be published this July or August.
- **Fees:** Mr. Allen presented a proposed rulemaking package for permit fee increases. The Board voted to approve the proposed rulemaking for presentation to the Environmental Quality Board with the following changes: 1) a definition for the “Aggregate Advisory Board”; and 2) the inclusion of actual dates for when fees take effect.
- **National Pollutant Discharge Elimination System (NPDES) Permitting**
 - As of March 31, 846 Draft NPDES permits (54 of which were non-coal) were sent to the Environmental Protection Agency (EPA). The EPA has commented or objected on 392 of these permits, 10 of which were non-coal. There have been no comments since the last report.
 - Whole Effluent Toxicity Testing: The Department is scheduling training for staff as part of the pre-implementation of the pilot program.
 - Between FY 2012-2013 and FY 2017-2018 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800 (FY 2012-2013) to a high of \$646,950 (FY 2015-2016) with \$317,390 collected so far for FY 2017-2018 as of April.
- **Program Overview (Facilities and Applications)**
 - Between March 2016 and March 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. There was also a slight increase in the number of underground facilities.
 - Between 2013 and 2018 (to date) the ranges for various application types included the following:
 - Licenses: between 1,252 (2013) and 1,159 (2014) with 313 for 2018.
 - Large Facilities (New): between 11 (2015) and 4 (2016) with 2 for 2018.
 - Small Facilities (New): between 51 (2016) and 25 (2013) with 1 for 2018.
 - NPDES (New): between 32 (2017) and 11 (2013) with 9 for 2018.
 - NPDES (Renewal): between 88 (2016) and 50 (2014) with 21 for 2018.
 - Pre-Applications: between 15 (2013) and 2 (2016) with 1 for 2018.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations**
 - As of March 31, 2018, the NCSMCRA fund obligations include over \$2 million in cash collateral, \$3.7 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMCRA fiscal report showed about \$4.4 million in general operations monies, with about \$2.1 million in collateral and over \$852,000 in restricted bond monies.

- **Bonding and Bond Forfeitures**

- Between 2010 and 2018, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013) to a high of 3 (2015).
- Between 2010 and 2018, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015).

NEW BUSINESS

Non-Coal Safety Record

The Board made a formal request to work with the DEP to promote the safety record of the non-coal industry.

District Mining Office Updates

Mr. Plasio reported that the DMOs are working with the industry to gather the most recent and complete information for bond rates and NPDES sites.

Conferences

Dr. Snowden reported that Board member Robert Hughes (Eastern PA Coalition for Abandoned Mine Reclamation/State Conservation Commission) is involved in two conferences: 1) the PA Abandoned Mine Reclamation Conference (June 20-21, 2018, in State College) and 2) the Professional Recyclers of Pennsylvania Conference (July 25-27, 2018, in Harrisburg). Dr. Snowden planned to share information about these conferences with Board members and alternates.

Board Field Trip

The Board will visit the Thomasville Quarry in York County on August 8, 2018. The meeting will be held in the facility's conference room and the tour will be held afterwards. Anyone who wishes to participate in the tour should RSVP by June 15, 2018, via e-mail to Dr. Snowden.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 12:00 p.m. The Board will meet again for its annual field trip and quarterly meeting on August 8, 2018, at the Pennsy Supply Thomasville Quarry office, 550 S. Biesecker Rd., Thomasville, PA 17364.

AGGREGATE ADVISORY BOARD (BOARD)

Wednesday August 8, 2018

**Pennsy Supply – Thomasville Quarry Offices
550 S. Biesecker Rd Thomasville, PA 17364**

VOTING MEMBERS OR ALTERNATES PRESENT

Tom Bryan (Tri-State River Products – Acting Chair/Member)

Paul Detwiler, III (New Enterprise Stone and Lime - Member)

Nick Troutman (PA Senate - Alternate)

Terry Dayton (Citizens Advisory Council (CAC) – Member)

Timothy Weston (CAC - Member)

William Ruark (Meshoppen Stone - Member)
Ron Kurpiel (Hanson Aggregates - Alternate)
Peter Vlahos (PA Aggregates and Concrete Association (PACA) - Alternate)
Rep. Ryan MacKenzie (PA House - Member) (via Web-ex)
Rep. Bryan Barbin (PA House - Member)
Leda Lacomba (PA House - Alternate)
William Fink (CAC- Member)

OTHER ATTENDEES

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Michael Menghini (DEP – District Mining Offices (DMO))
Joe Iole (DEP – Regulatory Counsel)
Josie Gaskey (PA Aggregates and Concrete Associate (PACA))
Bill Plassio (DEP – DMO)
Sharon Hill (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Rep. Kristen Phillips-Hill (PA House)
Matthew Rindfoss (PA House)
Hank Butler (Butler Consulting)
Aiden Himes (Guest)
Sam Robinson (Governor’s Office)
Morgan Gay (Meshoppen Stone)
Michael Murphy (National Institute for Occupational Safety and Health (NIOSH))
Brent Slaker (NIOSH)
Tim Orr (NIOSH)
Brianna Either (NIOSH)
Andrew Gutshall (Lehigh-Hanson Aggregates)

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 May 9, 2018 meeting were approved without changes.

CORRESPONDENCE

The Board received no correspondence since the last meeting.

COMMITTEE REPORTS

The karst workgroup, a subcommittee of the Board’s Regulatory, Legislative and Technical (RLT) Committee, has met several times since the last Board meeting. The workgroup continues to discuss minor changes to Modules 7 and 8, and creation of a supplement focused specifically on the karst issues associated with permit applications in pertinent areas.

BUREAU OF MINING PROGRAMS UPDATES

Mr. Allen provided updates on the following topics:

- **Non-Regulatory Agenda:** The Engineering Manual remains under legal review, with an extended public comment period once approved. The Civil Penalty guidance document is also under legal review, slated for public comment around September. The BMP is working to include these suggested revisions from the recent comment period in the next version of the document.
- **Regulatory Agenda:** The Chapter 210 and Chapter 211 Regulations on explosives were published as a final rule on June 23, 2018, and will be available online in September. The BMP has begun the process needed to make corrections to the Chapter 77 regulations. The RLT committee will be approached to review the details of these corrections.
- **Fees:** The regulatory package will be presented during the August meeting of the Environmental Quality Board (EQB). The revisions include defining the Aggregate Advisory Board as the AAB and, setting definitive dates for when the fees take effect, accounting for the inflation rate for each specific year.
- **National Pollutant Discharge Elimination System (NPDES) Permitting** As of July 31, 890 Draft NPDES Permits (56 of which were non-coal) were sent to the United States Environmental Protection Agency (US EPA). The US EPA has commented or objected on 403, of which ten were non-coal. There have been no comments since the last report.
 - Between FY 2012-2013 and FY 2017-2018 (to date), Clean Water Fund mining fee revenues ranged from a low of \$247,800.00 (FY 2012-2013) to a high of \$646,950.00 (FY 2015-2016), with \$365,410.00 collected so far for FY 2017-2018.
 - Whole Effluent Toxicity Testing (WETT): The Department is scheduling training for staff as part of the pre-implementation of the pilot program.
 - The Checklist project evaluation period has begun, as of July 1, 2018.
- **Program Overview (Facilities and Applications)**
 - Between March 2016 and June 2018, the numbers of inspectable units fell slightly for both small facilities (i.e., those producing < 2,000 tons/year and, those producing < 10,000 tons/year) and large facilities. GP103 and GP105 Operator permits increased slightly, as did 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 566 for 2018.
 - Large Facilities (New): between 11 (2015) and 4 (2016), with 4 for 2018.
 - Small Facilities (New): between 51 (2016) and 25 (2013), with 13 for 2018.
 - NPDES (New): between 32 (2017) and 11 (2013) with 16 for 2018.
 - NPDES (Renewal): between 88 (2016) and 50 (2014), with 42 for 2018.
 - Pre-Applications: between 15 (2013) and 2 (2016), with 1 for 2018.

- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations**
 - As of June 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**
 - The BMP provided a listing and site map of Non-Coal Bond Forfeitures.
 - Between 2010 and 2018, the number of bond forfeitures for large operators ranged from a low of 0 (2010, 2011, 2013) to a high of 3 (2015).
 - Between 2010 and 2018, the number of bond forfeitures for small operators ranged from a low of 1 (2011) to a high of 34 (2015), with 8 so far for 2018.

District Mining Office Updates

Mr. Plassio gave a brief report of the status of the DMOs. He discussed NPDES sites, bonding, mobile inspections, and recent hires to vacant positions.

NEW BUSINESS

There was no new business.

ADJOURNMENT/NEXT MEETING

The meeting was adjourned at approximately 11:30 a.m. The Board will meet again for its quarterly meeting at 10:00 a.m. on November 7, 2018 in the 10th floor conference room of the Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101.

AGGREGATE ADVISORY BOARD (BOARD)

Minutes

Wednesday November 7, 2018

**Rachel Carson State Office Building
400 Market St, 10th 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.