

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, August 4, 2021
Virtual Meeting (via Microsoft Teams)

VOTING MEMBERS OR ALTERNATES PRESENT:

Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Griffin Caruso (Alternate – PA House of Representatives)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
Thomas Bryan (Member – Bryan Materials Group)
Rep. Ryan Mackenzie (Member – PA House)
Peter Vlahos (Member - PA Aggregates and Concrete Association (PACA))
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Thaddeus Stevens (Member – Citizens Advisory Council (CAC)/Sylvan Glen, Inc.)
Emily Eyster (Alternate – PA Senate)
Nicholas Troutman (Alternate – PA Senate)
Lori Dayton (Member - Specialty Granules, LLC/CAC)
Timothy Weston (Member – CAC)
Robert Hughes (Member – Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR))

OTHER ATTENDEES:

Bill Allen (DEP – Bureau of Mining Programs (BMP))
Bruce Carl (DEP – BMP)
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Paul Pocavich (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Eric Oliver (DEP – BMP)
Michaela Plazek (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Amy Berrios (DEP - AAMO)
Abbey Cadden (DEP – Policy Office)
Brian Chalfont (DEP – Policy Office)
J. Michael Lookenbill (DEP – Bureau of Clean Water (BCW))
Josie Gaskey (Guest – PACA)
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 May 5, 2021 meeting was put forward by Mr. Detwiler and seconded by Mr. Weston. The motion was passed without objection.

CORRESPONDENCE

Senator Carolyn Comitta joined as a Member. Her alternate is Emily Eyster.

COMMITTEE REPORTS:

The RLT Committee did not meet since the previous meeting.

DELIVERABLES

The BMP provided the Board with a draft report of production data and an update on the bond forfeiture figures.

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 District Mining Offices (DMOs) for 2nd Quarter 2021.

- **Non-Regulatory Agenda:**

The BMP and DMOs are continuing to process comments received on the Engineering Manual. There is no expected release date for the next draft, although the Board will be kept up to date. Because of the number of comments and the length of the Manual itself, the next draft is expected to take several months.

- **Regulatory Agenda:**

BMP is continuing to work on the Draft of Chapter 77 and is processing a substantial number of comments. BMP is open to a more detailed meeting on the Comment and Response Document with the Board's Regulatory, Legislative and Technical (RLT) Committee.

- **Technical Items:**

The Noise Standard Operating Procedure (SOP) is in final stages of review. The Not Started SOP has been published and is available on the BMP page. The PA Historical and Museum Commission (PHMC) process has changed, and minor updates have been made to Modules 1 & 4 to correct out-of-date information.

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

- As March 1, 1,190 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 459 of these permits, 10 of which were non-coal.

- Monthly calls with the EPA have continued and have mainly discussed NPDES permitting, data uploads, eDMRs, and data on compliance issues.
- **Program Overview (Facilities and Applications):**
 - Between March 2016 and June 2021, 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).
 - There was a slight increase in the number of underground facilities. GP-103 Operator Permits decreased, while GP-105 Operator Permits stayed the same.
 - Between 2016 and 2020, the ranges for various application types included the following:
 - Licenses: between 1,189 (2016) and 961 (2020), with 533 for 2021.
 - Large Facilities (New): between 11 (2020) and 4 (2016), with 8 for 2021.
 - Small Facilities (New): between 51 (2016) and 10 (2020), with 5 for 2021.
 - NPDES (New): between 33 (2018) and 11 (2020), with 13 for 2021.
 - NPDES (Renewal): between 88 (2016) and 46 (2019), with 50 for 2021.
 - Pre-Applications: between 7 (2019) and 2 (2016), with 1 for 2021.
- **Bonding and Bond Forfeitures:**
 - Between 2015 and 2021, the number of bond forfeitures for large operators ranged from a low of 0 (2016, 2018) to a high of 3 (1 rescinded) (2015), with 1 for 2021.
 - Between 2015 and 2021, the number of bond forfeitures for small operators ranged from a low of 3 (2019) to a high of 34 (2015), with 8 for 2021.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
 - 113 Coal Mining Exploration Notices have been received in system.
 - 542 permittees have signed up for the E-DMR system. The US EPA is highly encouraging DEP to register users, and DEP plans to reach out to operators.
 - The Mobile Inspection site is continuing development. The DEP is continuing work on a sandbox module for staff to create their own applications.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.8 million in cash collateral, \$2.8 million in payments in lieu of bonds, and over \$4.3 million in bond fund reclamation.
 - The NCSMR fiscal report showed \$1 million in general operations monies, with about \$2.4 million in collateral and over \$1.3 million in restricted bond monies.

- **Clean Water Fund (CWF) Mining Fee Revenue:**

Between Fiscal Year (FY) 2012-2013 and FY 2020-2021 (as of June 30), CWF mining fee revenues ranged from a low of \$247,800.00 (FY 2012-13) to a high of \$794,124.00 (FY 2019-2020), with \$376,030.00 collected so far for FY 2020-2021.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. DMOs are now on a hybrid work schedule, with two days in their physical work locations. Vacant positions within the DMOs continue to be filled.

Aggregate Advisory Board Annual Reports

The Annual Reports through 2015-2020 have been completed by Dr. Snowden. In the future, it will be the responsibility of the Board to put together the Annual Reports. Ms. Gaskey will lead the project, with the help of Ms. Dayton and Mr. Weston.

Deliverables

The requested items were the final Bond Forfeiture Cost Projection and a map of the sites. BMP will also provide the final rulemaking of Chapter 77 and, a notification on the number of Not Started permits to the Board as these become available.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was made by Mr. Weston and seconded by Mr. Bryan. After Board approval, the meeting concluded at approximately 11:10 a.m. The next scheduled meeting is scheduled for November 3, 2021, in Conference Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.