

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, February 2, 2022
Hybrid 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)
D. Michael Hawbaker (Member – Glenn O. Hawbaker, Inc.)
William Ruark (Member – Meshoppen Stone, Inc.)
Lori Dayton (Member – Specialty Granules, LLC/Citizen’s Advisory Council (CAC))
Thaddeus Stevens (Member – Sylvan Glen, Inc./CAC)
Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Michael Carroll (Member – PA House of Representatives)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Emily Eyster (Alternate – PA Senate)
Nick Troutman (Alternate – PA Senate)
Rep. Ryan Mackenzie (Member – PA House of Representatives)
Ronald Kurpiel (Alternate – Hanson Aggregates)
R. 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)
Geoff Lincoln (DEP – BMP)
Eric Oliver (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Melanie Barber (DEP – BMP)
Gregory Shuler (DEP – BMP)
Seth Pelepko (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Kristen Schlauderaff (DEP – Bureau of Clean Water (BCW))
Manyi Liu (DEP – BCW)
Michael Lookenbill (DEP – BCW)
Michelle Moses (DEP – Regulatory Counsel)
Christopher Minott (DEP – Regulatory Counsel)
Amy Berrios (DEP - AAMO)
Roland Gensel (DEP – AAMO)
Abbey Cadden (DEP – Policy Office)
Kate Cole (DEP – Policy Office)
Brian Chalfant (DEP – Policy Office)
Josie Gaskey (Guest – PACA)
Rachel Gleason (Guest – PA Coal Alliance (PCA))
Matthew Fritch (Guest – Philadelphia Water Department (PWD))

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 3, 2021 meeting was put forward by Mr. Weston and seconded by Mr. Detwiler and was approved without objection.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

The Regulatory, Legislative and Technical (RLT) Committee did not meet since the previous meeting.

DELIVERABLES

There were no deliverables requested by the Board at the last meeting.

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 the entirety of 2021.

- **Non-Regulatory Agenda:**

While reviewing the Engineering manual, the DEP realized a new approach to the document was needed. The length of the document means that review takes significant time, and the organization of the document means that updating it might cause conflict with other forms. The DEP would like a joint meeting between the Aggregate Advisory Board and, the Mining and Reclamation Advisory Board (MRAB) RLT Committees to discuss an overall overhaul.

- **Regulatory Agenda:**

The Final Rulemaking for the Chapter 77 regulations is tentatively scheduled to be presented before the Environmental Quality Board (EQB) in the Spring.

- **Technical Items:**

A new Standard Operating Procedure (SOP) for Sediment Ponds was developed. This SOP would not apply to existing designs and is available on the BMP website. The Streams and Wetlands SOP is still in draft.
- **National Pollutant Discharge Elimination System (NPDES) Permitting:**

Monthly calls with the United State Environmental Protection Agency (US EPA) have continued, but no serious issues require being brought to the Board's attention
- **Program Overview (Facilities and Applications):**
 - Between March 2016 and December 2021, the numbers of inspectable units decreased overall for small facilities (both < 2,000 tons/year and, < 10,000 tons/year), large facilities (> 10,000 tons/year), and NPDES applications.
 - GP-105 Operator and Underground facilities permits increased, while GP-103 Operator Permits decreased.
 - Between 2017 and 2021, the ranges for various application types included the following:
 - Licenses: between 1,135 (2017) and 961 (2020), with 1015 for 2021.
 - Large Facilities (New): between 9 (2018) and 6 (2019), with 18 for 2021.
 - Small Facilities (New): between 43 (2017) and 23 (2020), with 30 for 2021.
 - NPDES (New): between 33 (2018) and 11 (2020), with 30 for 2021.
 - NPDES (Renewal): between 84 (2018) and 46 (2019), with 76 for 2021.
 - Pre-Applications: between 7 (2019) and 3 (2017), with 7 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 (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 13 for 2021.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
 - Seven-hundred eighty (780) individual permits have been submitted through the eDMR system.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.7 million in cash collateral, \$2.8 million in payments in lieu of bonds, and over \$10.3 million in bond fund reclamation.
 - The NCSMR fiscal report showed about \$973,000.00 in general operations monies, with about \$2.5 million in collateral and over \$1.4 million in restricted bond monies.

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

Between Fiscal Year (FY) 2012-2013 and FY 2020-2021, 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 \$113,375.00 collected for FY 2021-2022.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. The DMOs are continuing to fill vacant positions. Of 16 vacant positions, several are in the selection stage, and replacements continue. Randy Shustack will be the Pottsville District Mining Manager effective at the end of February.

The DMO is finishing a LEAN HMR program through Greenport. The testing phase has been concluded, and the anticipated live date is April 7.

Manganese Water Quality Standards

Ms. Schlauderaff, Bureau of Clean Water, presented DEP's draft final-form rulemaking: Water Quality Standards for Manganese and Implementation. Based on available, peer-reviewed science, applicable existing laws, regulations and policies, as well as the public comments received on the proposed rulemaking, DEP intends to make the following recommendations to EQB: the deletion of the existing Potable Water Supply criterion for manganese of 1.0 mg/L from 25 Pa. Code § 93.7, Table 3; the addition of a human health toxics criterion of 0.3 mg/L to 25 Pa. Code § 93.8c, Table 5; and maintenance of the point of compliance for the human health manganese criterion at the point of discharge consistent with section 96.3(c). The DEP expects to present its recommendations on the final-form rulemaking to the EQB in the spring of 2022. Following the presentation, questions were asked regarding the rulemaking process and implementation of the rule. The Board noted its continued opposition to this rulemaking, both by industry members and by members of the Board, including Rep. Mackenzie.

Bond Forfeiture Reclamation Obligations

Mr. Stefanko informed the Board of the creation of a Noncoal Abandoned Mine Lands (AML) program, currently still in development. The latest status is that due to money not being appropriated to it through the legislation, a continuing resolution to fund it would be necessary.

Reclamation and Safety Award

PACA and the BMP are working together to create an award for Reclamation and Safety in hopes to recognize how the industry values the safety of its employees and for reclaiming its sites. Updates will continue as the idea is developed.

Deliverables

The Board requested that the facilities table in the BMP update include year by year trends for the reportable permits, a case law for water supply replacement activities as it relates to the revisions to the guidance documents, and to keep track of potential impacts from the final Manganese Water Quality Standard towards future reclamation activities at Noncoal operations.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at approximately 11:20 a.m. The next scheduled meeting will be held on May 4, 2022, in Conference Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting is also available remotely via Microsoft Teams.