

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, August 4, 2022
Hybrid Meeting (via Microsoft Teams)

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (Member – Enterprise Stone and Lime)
Rep. Ryan Mackenzie (Member – PA House of Representatives)
John Stefanko (Alternate - DEP – Active and Abandoned Mine Operations (AAMO))
Thaddeus Stevens (Member - Sylvan Glen, Inc./Citizens Advisory Council (CAC))
Griffin Caruso (Alternate – PA House of Representatives)
Emily Eyster (Alternate – PA Senate)
D. Michael Hawbaker (Alternate – Glenn O. Hawbaker, Inc.)
Nick Troutman (Alternate – PA Senate)
Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))

OTHER ATTENDEES:

Nathan Houtz (DEP – Bureau of Mining Programs (BMP))
Sharon Hill (DEP – BMP)
Greg Greenfield (DEP – BMP)
Geoff Lincoln (DEP – BMP)
Eric Oliver (DEP – BMP)
Kevin Bogdan (DEP – BMP)
Gregory Shuler (DEP – BMP)
Melanie Barber (DEP – BMP)
Michaela Plazek (DEP – BMP)
Seth Pelepko (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Richard Wagner (DEP – Bureau of Mine Safety (BMS))
Eric Smeak (DEP – BMS)
Dustin Mowery (DEP – BMS)
Christopher Minott (DEP – Regulatory Counsel)
Richard Marcil (DEP – Regulatory Counsel)
Amy Berrios (DEP - AAMO)
Roland Gensel (DEP - AAMO)
Sara Pinter (DEP – Policy Office)
Gale Blackmer, Ph.D. (Guest – Dept. of Conservation and National Resources (DCNR),
Geological Survey)
Josie Gaskey (Guest – PACA)
Michael Clark (Guest – New Enterprise Stone and Lime Co.)
Matthew Osenbach (Guest - PA Senate)
Michael Lewis (Guest – Hanson Aggregates)
Jonathan Kolbe (Guest – Allegheny Minerals)
Andrew Gutshall (Guest – Lehigh Hanson)

CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 12:30 p.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 Board requested the Minutes from the May 4, 2022 meeting be revised to reflect Michael Clark's association with New Enterprise Stone and Lime Co., which had previously been incorrectly listed as Hanson Associates. Pending that correction, the Board approved the Minutes.

CORRESPONDENCE

There was no new correspondence.

COMMITTEE REPORTS:

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

DELIVERABLES

As requested in the previous meeting, the minutes from the February 2, 2022 meeting were updated to include a more thorough transcription of the Manganese Water Quality Standards discussion. A motion to approve the amended minutes passed the Board without objection. The Board also received an update on the spending for the New Hope reclamation from Mr. Pelepko. Mr. Stefanko also updated the Board on the status of a Greenport error which affected service for around ten days. This issue has since been resolved by Information Technology (IT).

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 2022 through July 1.

- **Non-Regulatory Agenda:**

The Water Supply Replacement Technical Guidance Documents (TGDs) are continuing to be reworked.

- **Regulatory Agenda:**
The Final of Chapter 77 is currently with the Policy office. A tentative submission to the Environmental Quality Board (EQB) in the 4th Quarter is possible.
- **Technical Items:**
The Streams and Wetlands Standard Operating Procedure (SOP) is still in draft. BMP has continued meeting with engineers to develop the new Engineering Manual and will soon request feedback from Committees.
- **Bonding and Bond Forfeitures:**
 - Between 2015 and 2022, 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 2022.
 - Between 2015 and 2022, the number of bond forfeitures for small operators ranged from a low of 3 (2019) to a high of 34 (2015), with 0 for 2022.
 - Between 2015 and 2022, the number of bond forfeitures for Bluestone GP-105 ranged from a low of 1 (2017, 2020) to a high of 4 (2021), with 0 for 2022.
- **E-Permitting and E-Discharge Monitoring Reports (E-DMR):**
 - E-DMRs and GP-104s have continued to be submitted through the eDMR system. The E-Permitting system continues to be updated, and a GP-104 module will be implemented before their deadline in 2025.
- **Non-Coal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations:**
 - As of the latest report, there is over \$2.4 million in cash collateral, \$2.9 million in payments in lieu of bonds, and over \$10.3 million in bond fund reclamation.
 - The NCSMR fiscal report showed about \$877,000 in general operations monies, with about \$2.4 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 21-22 (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 \$237,505.00 collected for FY 2021-22.

NEW BUSINESS

Update from District Mining Offices

Mr. Sammarco provided the Board with an update on DMO operations. The DMOs continue to effectively process applications, both recently received and backlogged. The DMOs are continuing to fill vacant positions. Of the 18 current vacancies, most are in the California and Pottsville office.

Bureau of Mine Safety

Mr. Lowry provided the Board with an overview of the training that BMS provides. This training covers the spectrum of mining needs, and augments courses offered by the Pennsylvania State University. Industry members are welcomed to contact the BMS for inquiries regarding additional training.

Deliverables

The Board will send a list of items potentially affecting mining from the published Non-regulatory Agenda in the *PA Bulletin* for the BMP. BMP will look into separating Coal and Noncoal figures from the CWF Mining Fee Revenue for a more detailed examination. A breakdown of mining staff was requested by the Board.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at approximately 2:20 p.m. The next scheduled meeting is to be held on November 2, 2022 at 10:00 a.m. in Conference Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting is also available remotely via Teams.