

AGGREGATE ADVISORY BOARD (BOARD)
Wednesday, May 3, 2023
Hybrid Meeting (via Microsoft Teams)

VOTING MEMBERS OR ALTERNATES PRESENT:

Paul Detwiler, III (Member – New Enterprise Stone and Lime)
Rep. Ryan Mackenzie (Member – PA House)
William Ruark (Member – Meshoppen Stone, Inc.)
Thaddeus Stevens (Member – Sylvan Glen, Inc./Citizens Advisory Council (CAC))
R. Timothy Weston (Member – K & L Gates, LLP/CAC)
John Stefanko (Alternate – DEP – Active and Abandoned Mine Operations (AAMO))
D. Michael Hawbaker (Alternate – Glenn O. Hawbaker, Inc.)
Glendon King (Alternate – PA House of Representatives)
Destiny Zeiders (Alternate – PA House of Representatives)
Sarah Stauffer (Alternate – PA Senate)
Peter Vlahos (Alternate – PA Aggregates and Concrete Association (PACA))
Ronald Kurpiel (Alternate – Hanson Aggregates)

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)
Melanie Barber (DEP – BMP)
Michaela Plazek (DEP – BMP)
Christopher Catalano (DEP – BMP)
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)
Gregory Shuler (DEP – BMP)
Alexandra Eberly (DEP – BMP)
Dan Sammarco (DEP – Bureau of District Mining Operations (DMO))
Amy Berrios (DEP - AAMO)
Patrick Webb (DEP – Bureau of Abandoned Mine Reclamation (BAMR))
Richard Marcil (DEP – Bureau of Regulatory Counsel)
Ezra Thrush (DEP – Policy)
Cole Gessner (DEP – Policy)
Josie Gaskey (Guest – PACA)
Jeffrey Icivic (Guest – PA Senate)
Jonathan Kolbe (Guest – Allegheny Minerals Corp)

CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:03 a.m.
Board members present answered to Roll Call, and Alternates introduced themselves
Dr. Snowden read the names for present DEP personnel and other guests in the audience from the sign-in sheet. Ezra Thrush, Director of Policy, was introduced to the Board.

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 approved the meeting minutes from the February 1, 2023, meeting without changes.

CORRESPONDENCE

There were no items of correspondence for the board.

PUBLIC COMMENTS

The floor was opened for public comments; none were submitted to the board.

COMMITTEE REPORTS

The Board's Regulatory, Legislative and Technical (RLT) Committee did not meet since the previous meeting on August 4, 2022.

DELIVERABLES

Nate Houtz, Director for the Bureau of Mining Programs (BMP) reported that work continues obtaining non-coal program staffing figures (i.e., work and activity codes from payroll analysis reports; hours spent on permitting and inspection activities). He anticipates the analysis results will be available for the August 2, 2023 Board meeting.

BUREAU OF MINING PROGRAMS (BMP) UPDATES

The Board was provided with updates on the following topics:

- **Noncoal Applications Breakdown**
Ms. Hill provided the Board with information regarding the distribution of applications across the District Mining Offices (DMOs).
- **Regulatory Agenda**
Ms. Hill reported that the Chapter 77 regulatory package was approved by the Environmental Quality Board (EQB) on April 11, 2023. The regulatory package will be considered by the Independent Regulatory Review Commission on May 18, 2023.
- **Non-Regulatory Agenda**
Ms. Hill reported on the Water Supply Replacement Technical Guidance Documents (TGDs). The Board asked what was going to be changed in these TGDs. Ms. Hill responded that certain parts of these TGDs, such as complaint response, may be moved to Standard Operating Procedures (SOPs), if they are deemed still relevant. The TGDs do not reflect any regulation changes for noncoal sites and the revisions in that context will be as clarifications.
- **Technical Items**
 - **Engineering Work Group**: An SOP for non-discharge alternatives is being developed.

- Chapter 105 Permits: The Board requested that input from the DEP Air Quality and Water Programs be considered, especially if there would be any impacts to the aggregates industry; the Board would like to have representatives from these DEP programs attend Board meetings to detail these potential impacts on the aggregates industry.
- **e-Permitting and e-Discharge Monitoring Reports (e-DMR)**
Ms. Hill noted that the priority for the next e-permitting project is the GP-104 application scheduled to be on-line in 2025.
- **Bonding and Bond Forfeitures**
John Stefanko (AAMO) reported that the federal government has funds set aside for a Non-Coal Abandoned Mine Lands (AML) program. As such, he stated that AAMO sent a letter requesting additional funds for this program to Pennsylvania’s federal delegation – the funds would be used for covering bond forfeitures at non-coal operations. The Board requested a copy of this letter (a deliverable for the next meeting).
- **Potential License Delays**
Mr. Greenfield reported that due to a recent retirement in the Licensing Section, the processing of mining license renewal applications may take longer than usual. As long as the renewal application is received before the license expires, the “pending” status that is assigned, is treated the same as an active license.
- **Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) Fund Obligations**
Summary of expenditures and revenue reviewed by Mr. Greenfield, for the status of the funds through January 31, 2023.

SAFETY ISSUES

Mr. Stefanko mentioned that the District Mining Office’s (DMO) Safety Training was being updated to include information on accessing quarries. The safety training for employees will include a protocol for accessing specific non-coal quarrying sites. The Board noted that the Mine Safety and Health Administration (MSHA) was also working on this issue and, recommended that DEP work with the PA Aggregates and Concrete Association (PACA) on this safety training addition.

PA DEP PERMITTING REFORM

Mr. Stefanko mentioned that DEP is developing a 10-point plan for improving permit review efficiency (i.e., Staffing; Rapid Response Team; Office of Environmental Excellence Annual Report; Fast Track; Early Engagement and Pre-Application Consultation Tool (PACT); Streamlining Reviews; Backlog Reduction Plan; Technology Upgrade; Enhanced Training for Staff; and External Plan for Ongoing Stakeholder Engagement). This initiative will apply to all DEP programs that issue permits and, it is a priority for the agency.

UPDATE FROM BUREAU DISTRICT MINING OPERATIONS (BDMO)

Dan Sammarco, Director for BDMO, provided details on vacant positions and hiring; permitting flux (currently there are 25% more permits going out than permit applications coming in; and Permit Decision Guarantees (PDG). He also mentioned two initiatives from the United States Environmental Protection Agency (US EPA):

- **State Permit File Review**: This initiative involves the US EPA reviewing mining permits from various District Mining Offices (DMOs). The elements that will be reviewed include documentation; file uploads; inspections; violations; and enforcement. This review will take place in June 2023.
- **National Pollutant Discharge Elimination System (NPDES) Program Resource Assessment**: This initiative will involve BDMO and BMP and, run parallel to the State Permit File review initiative (also running in June 2023). The main elements that will be evaluated include penalties; public participation; appeals; and staffing levels. The end product from this initiative and the preceding one will be a summary of recommendations. This effort will take about 3 months – US EPA will issue a reply after that time period.

NEW BUSINESS

The Board announced that its next meeting (August 2, 2023) will involve a field trip to the New Enterprise Stone and Lime Co. quarrying facility in Gettysburg. The field trip will take place after the meeting.

ADJOURNMENT/NEXT MEETING

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at approximately 10:53 a.m. The next scheduled meeting is to be held on August 2, 2023, and the audio issues which were apparent for this meeting will be addressed to ensure all virtual attendees are able to hear and participate.