

**AGGREGATE ADVISORY BOARD (BOARD)**  
**Wednesday, February 21, 2024**  
**Hybrid Meeting (via Microsoft Teams)**

**VOTING MEMBERS OR ALTERNATES PRESENT:**

Rep. Ryan MacKenzie (Member – PA House)  
Paul Detwiler, III – (Member – New Enterprise Stone and Lime Co., Inc.)  
Ronald Kurpiel (Alternate – Hanson Aggregates)  
Ian Irvin – (Alternate –Citizens Advisory Council (CAC))  
Matthew Osenbach (Alternate – PA Senate)  
Emily Eyster (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)  
Laura Mensch (DEP – BMP)  
Daniel E. Snowden, D.Ed. (DEP – BMP/Board Liaison)  
Christopher Stewart (DEP – BMP)  
Emily Fisher (DEP – BMP)  
Rachel Colyer (DEP – BMP)  
Randy Shustack (DEP – Bureau of District Mining Operations (BDMO))  
Amy Berrios (DEP – Active and Abandoned Mine Operations (AAMO))  
Maximilian Schultz (DEP – Policy Office)  
Richard Marcil (DEP – Regulatory Council)  
Trent MacHamer (Guest – PA Senate)

**CALL TO ORDER**

The meeting was called to order at approximately 10:00 a.m.

**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.

**ROLL CALL/INTRODUCTIONS**

Board members present answered to the roll call from Dr. Snowden, and Alternates introduced themselves.

**APPROVAL OF MINUTES**

The Board approved the meeting minutes from the November 1, 2023, meeting minutes without changes.

## **CORRESPONDENCE**

Board Member reappointment letters are currently underway, as reported by Dan Snowden, Board liaison. Additionally, Dr. Snowden reported that Tom Bryan (Bryan Materials Group) will be stepping down, and his replacement will be Jonathan Kolbe (Allegheny Mineral Corporation/State Industries); Andrew Gutshall (Heidelberg Materials) will serve as Jonathan Kolbe's alternate.

## **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 has not met since its last meeting on August 4, 2022.

## **DELIVERABLES**

Nate Houtz, Director for the Bureau of Mining Programs (BMP) indicated there were no deliverables to report.

## **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). Data encompassed the summaries of the 2023 calendar year. A table was presented showing applications in-process; the format used for this table provides a snapshot of one day and, gives a better idea of the distribution in more detail. Additionally, a summary table that showed inspectable units (up to January 11, 2024) was shared.

- **Regulatory Agenda**

Ms. Hill reported that there are no pending or proposed regulations for the noncoal program.

- **Non-Regulatory Agenda**

Ms. Hill reported that there are no updates to the Non-regulatory agenda, and no pending Technical Guidance Documents (TGDs) at this time.

- **e-Permitting and e-Discharge Monitoring Reports (e-DMR)**

Ms. Hill shared information about the new Public Upload with Payment process available to the public, which allows upload of nearly anything related to licensing. Payments can be made with Telecheck or Credit Card. The system is working well, as its use avoids mail delays and extra paperwork; the system also allows the District Mining Offices to process the information in only a couple days.

- Ms. Hill also noted that the due date for submission of Annual Employment and Production Reports for the 2023 calendar year was January 21, 2024. e-Permitting submittal is available for this, along with the Public Upload option.

- **Licensing updates**

Ms. Hill reported that the new License Chief is Christopher Stewart. The new webpage and email resource account use is encouraged for use by individuals who have questions or, wish to submit their certificates of insurance or additional documentation to via email.

Ms. Hill shared the news that the Non-Discharge Alternatives Standard Operating Procedure (SOP), recently finalized last November, has been presented to the United States Environmental Protection Agency (US EPA). She then briefly explained the Non-Discharge Alternatives, and how they won't cause a point source discharge. During this time, a question was raised from the Board as to whether information about the SOP finalization was shared at the November Board meeting, since that was not reflected in the meeting minutes. Ms. Hill indicated it had not been discussed at that meeting, and that it was an internal document that BMP has worked on for nearly four years, to iron out the inconsistencies and issues. Ms. Hill also wanted to remind everyone that the BMP Updates is now a tile on the sidebar of the main BMP web page.

- **Bonding and Bond Forfeitures**

Mr. Greenfield reported that there have been no noncoal bond forfeitures in the year 2024 yet. He then shared: 1) the numbers for the current cash collateral bonds being held; 2) the bonds underlying the Payment In-Lieu of Bond (PILB) program; and 3) bonds collected for noncoal bond forfeiture reclamation. Mr. Greenfield also shared information on the general operations fund, collateral bonds held by the department, as well as the amount of bonds collected to be used for noncoal reclamation. He then reviewed the amount deposited into the Clean Water Fund so far in 2024, including both coal and noncoal, NPDES, Chapter 105 fees, and wetland encroachment fees.

Mr. Greenfield then shared the revenues collected and expenditures over the last 3 months with the Board, reporting that nothing unusual is occurring. During this time, a question was raised by the Board as to why the expenses appear lower in the last couple months than they have historically. Mr. Greenfield explained that personnel costs had been charged against the General Fund as part of an effort to stabilize the noncoal fund. Another question was raised as to what, if any, reaction there may have been with the fee increase in the new year. Mr. Greenfield indicated that Ms. Hill had notified noncoal mine operators of the increase ahead of time, and that BMP had been educating the noncoal industry about why the fees are charged and ,what they are used for, so there did not seem to have been any pushback about the issue.

### **UPDATE FROM BUREAU DISTRICT MINING OPERATIONS (BDMO)**

Randy Shustack, new Director for BDMO, began by relating information on the staffing updates. Tiffany Folk will be the new Permits Chief at the Pottsville District Mining Office, replacing Mike Kutney. The Moshannon and Knox District Mining Offices still have vacancies in the Permits Chief positions, but interviews have been completed and names have been sent down; they are only waiting for approval at this point. Other positions still need to be filled in other District Mining Offices and, efforts regarding this matter are ongoing.

In other developments, the Pottsville and Moshannon District Mining Offices have been working with personnel from the New York Department of Environmental Conservation (NY DEC) to set up site visits for our DEP personnel at small and large noncoal operations in New York, as well as hold open dialogues to understand the similarities and differences at these operations in both States. They feel it is important, since many noncoal mining companies have mine operations in both Pennsylvania and New York.

### **NEW BUSINESS**

Nate Houtz was asked by the Board if there were any updates on the Environmental Justice (EJ) Policy, but he stated he was unaware of anything at this time. Mr. Houtz indicated that he would look into the matter. Mr. Shustack was then asked if the DMOs had noticed anything affecting the permitting processes due to implementation of the EJ Policy, but he indicated that he had not.

Peter Vlahos made an offer regarding the meeting on August 28, 2024. Here, the meeting could include a field trip tour of the Heidelberg Materials quarry and cement plant in Nazareth (Lehigh Valley). The Board would tour the facility in the afternoon, after the meeting is held in the morning.

### **ADJOURNMENT/NEXT MEETING**

A motion to adjourn was unanimously accepted by the Board. The meeting concluded at approximately 10:25 a.m. The next scheduled meeting is to be held on May 1, 2024, at 10:00 a.m., in Conference Room 105 of the Rachel Carson State Office Building in Harrisburg.