**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 77. NONCOAL MINING**

**Subchapter C. PERMITS AND PERMIT APPLICATIONS**

**GENERAL**

#### § 77.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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   *Adjacent area*—Land located outside the permit area within 1,000 feet.

   ***Aggregate advisory board*—the board created BY SECTION 18(g.1) of the surface Mining Conservation and Reclamation ACT (52 P.S. § 1396.18(g.1)) (relating to the creation, composition, and role of the Aggregate Advisory Board).**

   *Annual administration fee*—A nonrefundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility to administer the permit.

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**§ 77.106. Fees.**

 (a) ***Payment.*** A permit application for noncoal mining activities shall be accompanied by a nonrefundable payment for the permit application fee payable to the ''Commonwealth of Pennsylvania.'' The applicable permit application fee amount is specified in subsection (e). For purposes of this subsection, permit applications include all of the applications listed in subsection (e).

 (b) ***Assessment.*** The Department will assess an annual administration fee for each permitted activity and facility. For licensed mine operators, this annual administration fee will be assessed annually, will be collected as part of the mine operator's license renewal application and will include the appropriate annual administration fee for each of the licensee's permitted facilities. If the permittee is not required to maintain a mining license, a notice of the annual administration fee will be sent to the permittee for all of the permittee's permitted facilities and the fee must be paid within 30 days of receipt of the notice. The applicable fee amounts are specified in subsection (f).

 (c) ***Deposit of funds.*** Fees collected under this section and all enforcement cost recovery funds will be deposited in the Noncoal Surface Mining Conservation and Reclamation Fund. The fees collected under this section will be used by the **[department] Department** for the purposes specified by the act.

 (d) ***Regulatory amendment.*** At least every 3 years, the Department will recommend regulatory changes to the fees in this section to the EQB to address any disparity between the program income generated by the fees and program costs. The regulatory amendment will be based upon an evaluation of the program fees income and the Department's costs of administering the program.

 **[(e) The permit application fee schedule is as follows:**

|  |  |
| --- | --- |
| (1) ***New permits***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $20,225 |
| Large Surface Mining Permit—No Groundwater Pumping  | $13,500 |
| Small Surface Mining Permit  | $525  |
| Underground Mining Permit  | $20,225  |
| (2) ***Major amendments***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $3,850  |
| Large Surface Mining Permit—No Groundwater Pumping  | $1,600 |
| Underground Mining Permit  | $2,650  |
| (3) ***Minor Amendments***  | ***Fee***  |
| Large Surface Mining Permit  | $700 |
| Small Surface Mining Permit  | $175  |
| (4) ***Transfers***  | ***Fee***  |
| Large Surface Mining Permit  | $900  |
| Underground Mining Permit  | $900  |
| (5) ***Other Actions***  | ***Fee*** |
| Bonding Increment  | $450  |
| Completion Report Application  | $600  |
| Blast Plan  | $475  |
| Notice of Intent to Explore  | $60  |
| Pre-applications  | $3,375 |

 **(f) The annual administration fee schedule will be as follows:**

|  |  |
| --- | --- |
| ***Permit Category—Permit Status***  | ***Annual Fee***  |
| Large Surface Mining Permit—Active  | $1,450  |
| Large Surface Mining Permit—Active with Blasting  | $1,850  |
| Small Surface Mining Permit—Active  | $200  |
| Small Surface Mining Permit—Active with Blasting  | $300  |
| Underground Mining Permit—Active  | $1,450  |
| General Permit  | $200  |
| All Permits—Not Started  | $100  |
| All Permits—Inactive  | $100**]** |

 **(e) *Permit application fee schedule*.**

 **(1) Effective January 1, \_\_\_\_ (*Editor's Note*: The blank refers to the year after which this proposed rulemaking is adopted.), the permit application fee schedule is as follows:**

|  |  |
| --- | --- |
| (i) ***New Permits.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $22,450 |
| Large Surface Mining Permit—No Groundwater Pumping  | $15,000  |
| Small Surface Mining Permit  | $600  |
| Underground Mining Permit  | $22,450  |
| (ii) ***Major Amendments.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $4,250 |
| Large Surface Mining Permit—No Groundwater Pumping  | $1,775  |
| Underground Mining Permit  | $2,950  |
| (iii) ***Minor Amendments.***  | ***Fee***  |
| Large Surface Mining Permit  | $775  |
| Small Surface Mining Permit  | $200  |
| (iv) ***Transfers.***  | ***Fee***  |
| Large Surface Mining Permit  | $975  |
| Underground Mining Permit  | $975  |
| (v) ***Other Actions.***  | ***Fee***  |
| Bonding Increment  | $500  |
| Completion Report Application  | $650  |
| Blast Plan  | $550  |
| Notice of Intent to Explore  | $65 |
| Pre-applications  | $3,750 |
| Renewal  | $175 |

 **(2) Effective January 1, \_\_\_\_ (*Editor's Note*: The blank refers to 3 years after the year in which this proposed rulemaking is adopted.), the permit application fee schedule is as follows:**

|  |  |
| --- | --- |
| (i) ***New Permits.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $25,525 |
| Large Surface Mining Permit—No Groundwater Pumping  | $17,025  |
| Small Surface Mining Permit  | $675  |
| Underground Mining Permit  | $25,525  |
| (ii) ***Major Amendments.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $4,850 |
| Large Surface Mining Permit—No Groundwater Pumping  | $2,000  |
| Underground Mining Permit  | $3,350  |
| (iii) ***Minor Amendments.***  | ***Fee***  |
| Large Surface Mining Permit  | $900  |
| Small Surface Mining Permit  | $225  |
| (iv) ***Transfers.***  | ***Fee***  |
| Large Surface Mining Permit  | $1,125  |
| Underground Mining Permit  | $1,125  |
| (v) ***Other Actions.***  | ***Fee***  |
| Bonding Increment  | $550  |
| Completion Report Application  | $750  |
| Blast Plan  | $675 |
| Notice of Intent to Explore  | $75 |
| Pre-applications  | $4,250 |
| Renewal  | $200 |

 **(3) Effective January 1, \_\_\_\_ (*Editor's Note*: The blank refers to 5 years after the year in which this proposed rulemaking is adopted.), the permit application fee schedule is as follows:**

|  |  |
| --- | --- |
| (i) ***New Permits.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $29,500 |
| Large Surface Mining Permit—No Groundwater Pumping  | $19,750  |
| Small Surface Mining Permit  | $775  |
| Underground Mining Permit  | $29,500  |
| (ii) ***Major Amendments.***  | ***Fee***  |
| Large Surface Mining Permit—Groundwater Pumping Authorized  | $5,625 |
| Large Surface Mining Permit—No Groundwater Pumping  | $2,350  |
| Underground Mining Permit  | $3,900  |
| (iii) ***Minor Amendments.***  | ***Fee***  |
| Large Surface Mining Permit  | $1,050  |
| Small Surface Mining Permit  | $250  |
| (iv) ***Transfers.***  | ***Fee***  |
| Large Surface Mining Permit  | $1,300  |
| Underground Mining Permit  | $1,300  |
| (v) ***Other Actions.***  | ***Fee***  |
| Bonding Increment  | $650  |
| Completion Report Application  | $875  |
| Blast Plan  | $775  |
| Notice of Intent to Explore  | $85  |
| Pre-applications  | $4,950  |
| Renewal  | $225 |

 **(f) *Annual administration fee schedule*.**

 **(1) Effective January 1, \_\_\_\_ (*Editor's Note*: The blank refers to the year after which this proposed rulemaking is adopted.), the annual administration fee schedule will be as follows:**

|  |  |
| --- | --- |
| ***Permit Category—Permit Status***  | ***Annual Fee***  |
| Large Surface Mining Permit—Active  | $1,300  |
| Large Surface Mining Permit—Active with Blasting  | $1,675 |
| Small Surface Mining Permit—Active  | $400 |
| Small Surface Mining Permit—Active with Blasting  | $550  |
| Underground Mining Permit—Active  | $1,300  |
| General Permit  | $400 |
| All Permits—Not Started  | $125  |
| All Permits—Inactive  | $125 |

 **(2) Effective January 1, \_\_\_\_  (*Editor's Note*: The blank refers to 3 years after the year in which this proposed rulemaking is adopted.), the annual administration fee schedule will be as follows:**

|  |  |
| --- | --- |
| ***Permit Category—Permit Status***  | ***Annual Fee***  |
| Large Surface Mining Permit—Active  | $1,500  |
| Large Surface Mining Permit—Active with Blasting  | $1,925 |
| Small Surface Mining Permit—Active  | $450 |
| Small Surface Mining Permit—Active with Blasting  | $625  |
| Underground Mining Permit—Active  | $1,500  |
| General Permit  | $450 |
| All Permits—Not Started  | $150  |
| All Permits—Inactive  | $150 |

 **(3) Effective January 1, \_\_\_\_ (*Editor's Note*: The blank refers to 5 years after the year in which this proposed rulemaking is adopted.), the annual administration fee schedule will be as follows:**

|  |  |
| --- | --- |
| ***Permit Category—Permit Status***  | ***Annual Fee***  |
| Large Surface Mining Permit—Active  | $1,750  |
| Large Surface Mining Permit—Active with Blasting  | $2,250 |
| Small Surface Mining Permit—Active  | $500 |
| Small Surface Mining Permit—Active with Blasting  | $700  |
| Underground Mining Permit—Active  | $1,750  |
| General Permit  | $500 |
| All Permits—Not Started  | $175  |
| All Permits—Inactive  | $175 |

 **(g) The fees in subsections (e) and (f) will be adjusted by the Department every 2 years, beginning on January 1, \_\_\_\_ (*Editor's Note*: The blank refers to 7 years after the year in which this proposed rulemaking is adopted.), based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the United States Department of Labor. The adjustment will be based upon the cost difference for the most recent 2-year period prior to the calculation. The fee schedule will be adjusted in increments of $25. The Department will provide the proposed fee schedule to the Aggregate Advisory Board for review prior to publication. The final adjusted fee schedule will be effective upon publication in the *Pennsylvania Bulletin*.**