

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

77.1 Definitions

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Annual Administration Fee--a non-refundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility in order to administer the permit.

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Large Noncoal Permit--a mining permit that authorizes the extraction of greater than 10,000 tons per year of noncoal materials

Major Permit Revision--a revision to a permit that requires public notice.

Minor Permit Revision--a revision to a permit that does not require public notice.

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Permit Application Fee--a non-refundable filing fee due at the time of submission of an application. The permit application fee is required in order for an application to be considered complete.

Permit Status—an indicator of the level of progress of mining activity at a permitted facility. Permit statuses are as follows:

- (i) Not Started—mine sites where the mining permit has been issued, but mining activities have not begun,
- (ii) Active—all mine sites that do not qualify for Inactive status, Not Started status or Released status,
- (iii) Inactive—mine sites where mineral extraction activity has been completed but final bond release has not been completed,
- (iv) Released—mine sites where the final bond release has been completed.

Small Noncoal Permit--a mining permit that authorizes the extraction of up to 10,000 tons of noncoal minerals per year.

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**§ 77.51. License requirement.**

(a) *Operator's license required.* A person who conducts noncoal surface mining as an operator within this Commonwealth shall first obtain a noncoal surface mining operator's license from the Department.

(b) *Noncoal surface mining operator's license application.* Application for license shall be made in writing on forms prepared and furnished by the Department and contain information pertaining to:

(1) Identification of ownership.

(2) Public liability insurance when required by section 5(e) of the act (52 P. S. § 3305(e)).

(3) Compliance information.

(c) *Identification of ownership.* The application shall indicate whether the applicant is a corporation, partnership, single proprietorship, association or other business entity. For business entities other than single proprietorships, the application shall contain the following information if applicable:

(1) The name and address of the applicant, including partners, associates, officers, parent or subsidiary corporations.

(2) The names under which an applicant listed in paragraph (1) previously operated a mining operation in this Commonwealth within 5 years preceding the date of application.

(d) *Public liability insurance.* When required by section 5(e) of the act, the applicant shall provide a certificate of insurance for the term of the license covering surface mining activities of the applicant in this Commonwealth under § 77.231 (relating to terms and conditions for liability insurance).

(e) *Refusal to issue or renew license.* The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license

for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. **The Department will not renew a noncoal mining operator's license for an applicant who has not made full payment of the Annual Administration Fee required under § 77.106 (f).** A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.

(f) *License renewal requirements.*

(1) A person licensed as a noncoal surface mining operator shall renew the license annually according to the schedule established by the Department.

(2) Notice of license renewal and filing of an application for license renewal shall conform to the following:

(i) The Department will notify the licensee in writing at least 60 days prior to the expiration of the current license to renew the license. The applicant shall be responsible for filing a license renewal application prior to the expiration of the current license.

(ii) If the Department does not intend to renew a license, the Department will notify the licensee, a minimum of 60 days prior to expiration of the license. This section does not prevent the Department from not renewing the license for violations occurring or continuing within this 60-day period if the Department provides an opportunity for an informal hearing.

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**§ 77.106. [Permit f]Eees.**

**[If required, a permit application for noncoal mining activities shall be accompanied by a check, payable to the "Commonwealth of Pennsylvania" in the amount set forth by the Department. The Department may require other fees set by the act, the environmental acts, this title or the Secretary.]**

**(a) A permit application for noncoal mining activities shall be accompanied by a non-refundable payment for the Permit Application Fee payable to the "Commonwealth of Pennsylvania." The applicable Permit Application Fee amount**

is specified in subsection (e) of this section. For purposes of this subsection permit applications include all of the applications listed in subsection (e).

(b) The Department shall assess an Annual Administration Fee for each permitted activity and facility. For licensed mine operators, this Annual Administration Fee shall be assessed annually, shall be collected as part of the mine operator's license renewal application and shall 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, then 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) All fees collected pursuant to this section and all enforcement cost recovery funds shall be deposited in the Noncoal Surface Mining Conservation and Reclamation Fund. The fees collected pursuant to this section will be used by the Department for the purposes specified by the Act.

(d) At least every three years, the Department will recommend regulatory changes to the fees in this section to the Environmental Quality Board 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:

<u>1. New Permits</u>	<u>Fee</u>
<u>Large Surface Mining Permit-Mining below water table</u>	<u>\$20,225.00</u>
<u>Large Surface Mining Permit-Not Mining below water table</u>	<u>\$13,500.00</u>
<u>Small Surface Mining Permit</u>	<u>\$525.00</u>
<u>General Permit</u>	<u>\$525.00</u>
<u>Underground Mining Permit</u>	<u>\$20,225.00</u>
<u>2. Major Amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit-Mining below water table</u>	<u>\$3,850.00</u>
<u>Large Surface Mining Permit-Not Mining below water table</u>	<u>\$1,600.00</u>
<u>Underground Mining Permit</u>	<u>\$2,650.00</u>
<u>3. Minor Amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit</u>	<u>\$700.00</u>
<u>Small Surface Mining Permit</u>	<u>\$175.00</u>

<b><u>4. Transfers</u></b>	<b><u>Fee</u></b>
<b><u>Large Surface Mining Permit</u></b>	<b><u>\$900.00</u></b>
<b><u>Underground Mining Permit</u></b>	<b><u>\$900.00</u></b>
<b><u>Small Surface Mining Permit</u></b>	<b><u>\$175.00</u></b>

<b><u>5. Other Actions</u></b>	<b><u>Fee</u></b>
<b><u>Bonding Increment</u></b>	<b><u>\$450.00</u></b>
<b><u>Completion Report Application</u></b>	<b><u>\$600.00</u></b>
<b><u>Blast Plan</u></b>	<b><u>\$475.00</u></b>
<b><u>Notice of Intent to Explore</u></b>	<b><u>\$60.00</u></b>
<b><u>Pre-applications</u></b>	<b><u>\$3,375.00</u></b>

**(f) The Annual Administration Fee schedule shall be as follows:**

<b><u>Permit Category-Permit Status</u></b>	<b><u>Annual Fee</u></b>
<b><u>Large Surface Mining Permit-Active</u></b>	<b><u>\$1,450.00</u></b>
<b><u>Large Surface Mining Permit-Active with Blasting</u></b>	<b><u>\$1,850.00</u></b>
<b><u>Small Surface Mining Permit-Active</u></b>	<b><u>\$200.00</u></b>
<b><u>Small Surface Mining Permit-Active with Blasting</u></b>	<b><u>\$300.00</u></b>
<b><u>Underground Mining Permit-Active</u></b>	<b><u>\$1,450.00</u></b>
<b><u>General Permit-Short Term Construction</u></b>	<b><u>\$200.00</u></b>
<b><u>All Permits-Not Started</u></b>	<b><u>\$100.00</u></b>
<b><u>All Permits-Inactive</u></b>	<b><u>\$100.00</u></b>

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**§ 77.126. Criteria for permit approval or denial.**

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**(c) A permit, permit renewal or revised permit application will not be approved, unless the applicant has made full payment of the permit application fee required under § 77.106 (e) and the Annual Administration Fee required under § 77.106 (f) for all of the applicant's permitted mining facilities.**