

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

§ 77.106. Fees.

(a) 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) 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) 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 for the purposes specified by the act.

(d) 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) **(1) Effective January 1, _____ (Editor’s Note: The blank refers to the year after which this proposed rulemaking is adopted.), the [The] permit application fee schedule is as follows:**

	<i>Fee</i>
(1) <i>New permits</i>	
Large Surface Mining Permit—Groundwater Pumping	Authorized \$ [20,225] <u>22,450</u>
Large Surface Mining Permit—No Groundwater Pumping	[\$13,500] <u>15,000</u>
Small Surface Mining Permit	[\$525] <u>600</u>
Underground Mining Permit	[\$20,225] <u>22,450</u>
	<i>Fee</i>

<i>(2) Major amendments</i>	
Large Surface Mining Permit—Groundwater Pumping Authorized	[\$3,850] <u>4,250</u>
Large Surface Mining Permit—No Groundwater Pumping	[\$1,600] <u>1,775</u>
Underground Mining Permit	[\$2,650] <u>2,950</u>
<i>(3) Minor Amendments</i>	
Large Surface Mining Permit	[\$700] <u>775</u>
Small Surface Mining Permit	[\$175] <u>200</u>
<i>(4) Transfers</i>	
Large Surface Mining Permit	[\$900] <u>975</u>
Underground Mining Permit	[\$900] <u>975</u>
<i>(5) Other Actions</i>	
Bonding Increment	[\$450] <u>500</u>
Completion Report Application	[\$600] <u>650</u>
Blast Plan	[\$475] <u>550</u>
Notice of Intent to Explore	[\$60] <u>65</u>
Pre-applications	[\$3,375] <u>3,750</u>
<u>Renewal</u>	<u>\$175</u>

(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:

<u>(1) New permits</u>	<u>Fee</u>
<u>Large Surface Mining Permit—Groundwater Pumping Authorized</u>	<u>\$25,525</u>
<u>Large Surface Mining Permit—No Groundwater Pumping</u>	<u>\$17,025</u>
<u>Small Surface Mining Permit</u>	<u>\$675</u>
<u>Underground Mining Permit</u>	<u>\$25,525</u>
<u>(2) Major amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit—Groundwater Pumping Authorized</u>	<u>\$4,850</u>
<u>Large Surface Mining Permit—No Groundwater Pumping</u>	<u>\$2,000</u>
<u>Underground Mining Permit</u>	<u>\$3,350</u>
<u>(3) Minor Amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit</u>	<u>\$900</u>
<u>Small Surface Mining Permit</u>	<u>\$225</u>
<u>(4) Transfers</u>	<u>Fee</u>
<u>Large Surface Mining Permit</u>	<u>\$1,125</u>
<u>Underground Mining Permit</u>	<u>\$1,125</u>
<u>(5) Other Actions</u>	<u>Fee</u>
<u>Bonding Increment</u>	<u>\$550</u>

<u>Completion Report Application</u>	<u>\$750</u>
<u>Blast Plan</u>	<u>\$675</u>
<u>Notice of Intent to Explore</u>	<u>\$75</u>
<u>Pre-applications</u>	<u>\$4,250</u>
<u>Renewal</u>	<u>\$200</u>

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

<u>(1) New permits</u>	<u>Fee</u>
<u>Large Surface Mining Permit—Groundwater Pumping Authorized</u>	<u>\$29,500</u>
<u>Large Surface Mining Permit—No Groundwater Pumping</u>	<u>\$19,750</u>
<u>Small Surface Mining Permit</u>	<u>\$775</u>
<u>Underground Mining Permit</u>	<u>\$29,500</u>
<u>(2) Major amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit—Groundwater Pumping Authorized</u>	<u>\$5,625</u>
<u>Large Surface Mining Permit—No Groundwater Pumping</u>	<u>\$2,350</u>
<u>Underground Mining Permit</u>	<u>\$3,900</u>
<u>(3) Minor Amendments</u>	<u>Fee</u>
<u>Large Surface Mining Permit</u>	<u>\$1,050</u>
<u>Small Surface Mining Permit</u>	<u>\$250</u>
<u>(4) Transfers</u>	<u>Fee</u>
<u>Large Surface Mining Permit</u>	<u>\$1,300</u>
<u>Underground Mining Permit</u>	<u>\$1,300</u>
<u>(5) Other Actions</u>	<u>Fee</u>
<u>Bonding Increment</u>	<u>\$650</u>
<u>Completion Report Application</u>	<u>\$875</u>
<u>Blast Plan</u>	<u>\$775</u>
<u>Notice of Intent to Explore</u>	<u>\$85</u>
<u>Pre-applications</u>	<u>\$4,950</u>
<u>Renewal</u>	<u>\$225</u>

(f) (1)Effective January 1, _____ (Editor’s Note: The blank refers to the year after which this proposed rulemaking is adopted.), the [The] annual administration fee schedule will be as follows:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
Large Surface Mining Permit—Active	[\$1,450] 1,300
Large Surface Mining Permit—Active with Blasting	[\$1,850] 1,675

Small Surface Mining Permit—Active	\$[200] <u>400</u>
Small Surface Mining Permit—Active with Blasting	\$[300] <u>550</u>
Underground Mining Permit—Active	\$[1,450] <u>1,300</u>
General Permit	\$[200] <u>400</u>
All Permits—Not Started	\$[100] <u>125</u>
All Permits—Inactive	\$[100] <u>125</u>

(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:

<u>Permit Category—Permit Status</u>	<u>Annual Fee</u>
<u>Large Surface Mining Permit—Active</u>	<u>\$1,500</u>
<u>Large Surface Mining Permit—Active with Blasting</u>	<u>\$1,925</u>
<u>Small Surface Mining Permit—Active</u>	<u>\$450</u>
<u>Small Surface Mining Permit—Active with Blasting</u>	<u>\$625</u>
<u>Underground Mining Permit—Active</u>	<u>\$1,500</u>
<u>General Permit</u>	<u>\$450</u>
<u>All Permits—Not Started</u>	<u>\$150</u>
<u>All Permits—Inactive</u>	<u>\$150</u>

(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:

<u>Permit Category—Permit Status</u>	<u>Annual Fee</u>
<u>Large Surface Mining Permit—Active</u>	<u>\$1,750</u>
<u>Large Surface Mining Permit—Active with Blasting</u>	<u>\$2,250</u>
<u>Small Surface Mining Permit—Active</u>	<u>\$500</u>
<u>Small Surface Mining Permit—Active with Blasting</u>	<u>\$700</u>
<u>Underground Mining Permit—Active</u>	<u>\$1,750</u>
<u>General Permit</u>	<u>\$500</u>
<u>All Permits—Not Started</u>	<u>\$175</u>
<u>All Permits—Inactive</u>	<u>\$175</u>

(g) The fees in subsections (e) and (f) shall be adjusted by the Department every two 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 U.S. Department of Labor. The adjustment will be based upon the cost difference for the most recent two-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 its publication in the *Pennsylvania Bulletin*.