



Bureau of Mining Programs

Final Rulemaking: Noncoal Mining Program Fees (25 Pa. Code Chapter 77)

Environmental Quality Board Meeting
August 21, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Statutory Authority

- Noncoal Surface Mining Conservation and Reclamation Act
- Clean Streams Law
- Administrative Code of 1929

Purpose

- Adjust Fees to improve DEP's ability to cover the cost of implementing the Noncoal Surface Mining Conservation and Reclamation Act.
- Reviewing, administering, and enforcing permits.

Activities Funded by Fees

- Review of permit applications and modifications
- Inspections of mining sites
- Compliance activities

Background

- Fees most recently changed in 2012
 - Permit Application Fees
 - Annual Administration Fees
- Three-year fee report provided in May 2015
- Aggregate Advisory Board
 - Established in 2014
 - Initial Meeting May 2015
- The proposed rulemaking was adopted by the EQB in October 2017

Three-Year Fee Report

- Identified three factors why fees were insufficient:
 - Based on 2009 wage rate
 - Increased Benefit rate
 - Fewer Applications
- FY 2017-18 program shortage = \$972,000

Aggregate Advisory Board

- Six Board Meetings
- Seven committee meetings
- Extensive program revenue and cost data was reviewed
- In August 2016, the Aggregate Advisory Board recommended that the Department proceed with the rulemaking process

Final Rulemaking

- Phases in fee increases in three 2-year steps:
 - Step one adjusts fees for current wage costs
 - Step two adds indirect costs
 - Step three adds overhead costs
- After this, adjusts fees every two years based on the U.S. Department of Labor Employment Cost Index related to state and local government workers

Current and Revised Permit Application Fees

Permit Application Fee Category	Current Fee	First Phase	Second Phase	Third Phase
Large noncoal surface mining with groundwater pumping:				
Permit Application	\$22,225	\$22,450	\$25,525	\$29,500
Major Amendment	\$3,850	\$4,250	\$4,850	\$5,625
Minor Amendment	\$700	\$775	\$900	\$1,050
Transfer	\$900	\$975	\$1,125	\$1,300
Large noncoal surface mining without groundwater pumping:				
Permit Application	\$13,500	\$15,000	\$17,025	\$19,750
Major Amendment	\$1,600	\$1,775	\$2,000	\$2,350
Minor Amendment	\$700	\$775	\$900	\$1,050
Transfer	\$900	\$975	\$1,125	\$1,300

Current and Revised Permit Fees Continued

Permit Application Fee Category	Current Fee	First Phase	Second Phase	Third Phase
Small noncoal surface mining:				
Permit Application	\$525	\$600	\$675	\$775
Minor Amendment	\$175	\$200	\$225	\$250
Underground noncoal mining:				
Permit Application	\$20,225	\$22,450	\$25,525	\$29,500
Major Amendment	\$2,650	\$2,950	\$3,350	\$3,900
Transfer	\$900	\$975	\$1,125	\$1,300
Bonding Increment	\$450	\$500	\$550	\$650
Completion Report Application	\$600	\$650	\$750	\$875
Blast Plan	\$475	\$550	\$675	\$775
Notice of Intent to Explore	\$60	\$65	\$75	\$85
Pre-application	\$3,375	\$3,750	\$4,250	\$4,950
Permit renewal	---	\$175	\$200	\$225

Current and Revised Annual Administrative Fees

Annual Administrative Fee Category	Current Fee	First Phase	Second Phase	Third Phase
Active large noncoal surface mining permit	\$1,450	\$1,300	\$1,500	\$1,750
Active large noncoal surface mining permit with blasting	\$1,850	\$1,675	\$1,925	\$2,250
Active small noncoal surface mining permit	\$200	\$400	\$450	\$500
Active small noncoal surface mining permit with blasting	\$300	\$550	\$625	\$700
Active underground noncoal mining permit	\$1,450	\$1,300	\$1,500	\$1,750
General permit	\$200	\$400	\$450	\$500
All noncoal mining permits – not started	\$100	\$125	\$150	\$175
All noncoal mining permits – inactive	\$100	\$125	\$150	\$175

Comments

Commentators

- One Public Commentator
- Independent Regulatory Review Commission (IRRC)

Comments

- Define Aggregate Advisory Board
- Process for adjusting fees
- Clarification on the Regulatory Analysis Form

Changes from Proposed to Final

- Addition of definition for Aggregate Advisory Board
- Effective dates added

Recommendation

DEP recommends that the Board adopt the Noncoal Mining Program Fees final rulemaking.



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

John Stefanko

Deputy Secretary

Active and Abandoned Mine Operations

jstefanko@pa.gov

Bill Allen

Acting Director

Bureau of Mining Programs

wallen@pa.gov

Joe Iole

Assistant Counsel

Bureau of Regulatory Counsel

jiole@pa.gov