



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

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

Environmental Quality Board Meeting  
December 18, 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
- Aggregate Advisory Board
  - Established in 2014
  - Initial Meeting May 2015
  - Three-year fee report provided at initial meeting
- Three-year fee report also presented to EQB in May 2015
- The proposed rulemaking was adopted by the EQB in October 2017

# 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 (ECI) related to state and local government workers

# Final Rulemaking - Amendment

- Language added to the section 77.106(g) of the final rule, after EQB adoption in August, to clarify that the fee adjustment pursuant to the ECI will not be applied if doing so would result in fees that exceed the Department's cost of reviewing, administering and enforcing the permit.
- Amendment does not alter fee increase numbers as provided in August, implementation dates, or other sections of the rule.

# Recommendation

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





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