

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:

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 DUTIES 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.

§ 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) <i>New permits</i>	<i>Fee</i>
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) <i>Major amendments</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$3,850
Large Surface Mining Permit—No Groundwater Pumping	\$1,600
Underground Mining Permit	\$2,650
(3) <i>Minor Amendments</i>	<i>Fee</i>
Large Surface Mining Permit	\$700

Small Surface Mining Permit	\$175
(4) <i>Transfers</i>	<i>Fee</i>
Large Surface Mining Permit	\$900
Underground Mining Permit	\$900
(5) <i>Other Actions</i>	<i>Fee</i>
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:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
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, 2020, the permit application fee schedule is as follows:

<u>(i) <i>New Permits.</i></u>	<u><i>Fee</i></u>
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
<u>(ii) <i>Major Amendments.</i></u>	<u><i>Fee</i></u>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$4,250
Large Surface Mining Permit—No Groundwater Pumping	\$1,775
Underground Mining Permit	\$2,950
<u>(iii) <i>Minor Amendments.</i></u>	<u><i>Fee</i></u>
Large Surface Mining Permit	\$775

<u>Small Surface Mining Permit</u>	<u>\$200</u>
<u>(iv) <i>Transfers.</i></u>	<u><i>Fee</i></u>
<u>Large Surface Mining Permit</u>	<u>\$975</u>
<u>Underground Mining Permit</u>	<u>\$975</u>
<u>(v) <i>Other Actions.</i></u>	<u><i>Fee</i></u>
<u>Bonding Increment</u>	<u>\$500</u>
<u>Completion Report Application</u>	<u>\$650</u>
<u>Blast Plan</u>	<u>\$550</u>
<u>Notice of Intent to Explore</u>	<u>\$65</u>
<u>Pre-applications</u>	<u>\$3,750</u>
<u>Renewal</u>	<u>\$175</u>

(2) Effective January 1, 2022, the permit application fee schedule is as follows:

<u>(i) <i>New Permits.</i></u>	<u><i>Fee</i></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>(ii) <i>Major Amendments.</i></u>	<u><i>Fee</i></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>(iii) <i>Minor Amendments.</i></u>	<u><i>Fee</i></u>
<u>Large Surface Mining Permit</u>	<u>\$900</u>
<u>Small Surface Mining Permit</u>	<u>\$225</u>
<u>(iv) <i>Transfers.</i></u>	<u><i>Fee</i></u>
<u>Large Surface Mining Permit</u>	<u>\$1,125</u>
<u>Underground Mining Permit</u>	<u>\$1,125</u>
<u>(v) <i>Other Actions.</i></u>	<u><i>Fee</i></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, 2024, the permit application fee schedule is as follows:

<u>(i) New Permits.</u>	<u>Fee</u>
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
<u>(ii) Major Amendments.</u>	<u>Fee</u>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$5,625
Large Surface Mining Permit—No Groundwater Pumping	\$2,350
Underground Mining Permit	\$3,900
<u>(iii) Minor Amendments.</u>	<u>Fee</u>
Large Surface Mining Permit	\$1,050
Small Surface Mining Permit	\$250
<u>(iv) Transfers.</u>	<u>Fee</u>
Large Surface Mining Permit	\$1,300
Underground Mining Permit	\$1,300
<u>(v) Other Actions.</u>	<u>Fee</u>
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, 2020, the annual administration fee schedule will be as follows:

<u>Permit Category—Permit Status</u>	<u>Annual Fee</u>
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, 2022, the annual administration fee schedule will be as follows:

<u>Permit Category—Permit Status</u>	<u>Annual Fee</u>
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, 2024, the annual administration fee schedule will be as follows:

<u>Permit Category—Permit Status</u>	<u>Annual Fee</u>
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, 2026, 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*. The fees shall not be adjusted if application of the index would result in fees exceeding the Department’s costs of reviewing, administering and enforcing the permit.