



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

Proposed Rulemaking: Federal Office of Surface Mining and Reclamation (OSM) Program Consistency (25 Pa. Code Chapters 86, 87, 88, 89 & 90)

Environmental Quality Board

May 16, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Purpose

- Achieve consistency with federal requirements
 - OSM oversight
- Program maintenance
- Corrections

Background

- Under the federal Surface Mining Control and Reclamation Act, states may assume primacy.
- Primacy states are subject to oversight by OSM.
- When OSM finds an issue, they formally require a program amendment.

Required Program Amendments

- Timing of seeding for revegetation
- Managing collateral bonds
- Public roads used for anthracite coal mines

Other Consistency Issues

- Underground mine effluent limits
- Temporary cessation
- Definition of “Surface mining activities”
- Civil Penalties
- Administrative requirements
- Form number for employee financial interests

Updates

- Storm event amounts
- Natural Resources Conservation Service
- Chapter 92a (updating a reference)
- Chapter 96 (including a reference)
- Water supply replacement cost recovery
- DER reference
- Other corrections
 - “of” to “or”
 - MSHA name
 - Remining

Updates

- Remining Financial Guarantees
- Coal ash/biosolids
- Anthracite Emergency Bond Loan
- Coal refuse site selection

Summary of Proposed Regulation

- Incorporates federal definition of “Surface Mining Activities”
- Replaces the tables of runoff for storm events with a reference to NOAA’s on-line tool
- Removes upper time limit for temporary cessation and includes same language in each section
- Makes corrections

▶ Mining and Reclamation Advisory Board

- Several committee meetings
- Specific recommendation about “Surface Mining Activities”
- In April 2017, the Mining and Reclamation Advisory Board (MRAB) recommended that the Department proceed with the rulemaking process.

Recommendation

DEP recommends that the Board adopt this proposed rulemaking with a 30-day public comment period.



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