



Bureau of Mining Programs

# **Proposed Rulemaking: Noncoal Mining Corrections and Clarifications (25 Pa. Code Chapter 77)**

## **Environmental Quality Board Meeting November 17, 2020**

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Background & Purpose

- Chapter 77 was finalized in 1990
  - Minor changes made in 1991, 1998 and 2008
  - Fee updates made in 2012 and 2019
- Since 1990, Department experience has highlighted several areas of Chapter 77 that need clarification
- This proposed rulemaking seeks to make:
  - Corrections to errors and address changes
  - Clarifications of existing regulations

# ▶ Collaboration with Aggregate Advisory Board

- Developed the scope & language of the proposed rulemaking with the Aggregate Advisory Board
- Discussed rulemaking at 4 RLT Committee meetings from October 2018 to May 2020
- On May 6, 2020, the Aggregate Advisory Board concurred with the Department's recommendation that the proposed rulemaking proceed in the regulatory process

# Summary of Proposed Rulemaking

- Definition changes:
  - Insignificant Boundary Correction (New)
  - Local Government (New)
  - Noncoal Minerals
  - Noncoal Surface Mining Activities
  - Related Party
  - Noxious Plants
  - Sedimentation Pond (Correction)

# Summary of Proposed Rulemaking

- Corrections:
  - Sedimentation Pond Definition (77.1)
  - NRCS (77.531, 77.618)
  - Chapter 92a (77.532)
  - Cleanup (77.654)
  - Formatting (77.655)
  - Chance/change (77.807)

# Summary of Proposed Rulemaking

- Clarifications:
  - Public Notice
  - Permit Revisions
  - Permit transfers
  - Insurance requirements
  - Civil Penalties
  - Reclamation

# Summary of Proposed Rulemaking

- Exploration activity revisions:
  - Drilling vs. other methods
  - Authorization
    - Permit waiver
    - Notice
  - EHB Cases
  - Clarity

# Summary of Proposed Rulemaking

- Explosives correction:
  - 77.564(k)
  - Formula is missing terms
  - Phrase “or greater” renders the regulation impossible to comply with
- Blasting provision updates:
  - Recordkeeping
  - Air Blast limits
  - Preblasting surveys



# Summary of Proposed Rulemaking

- Additional revisions:
  - LLCs
  - Minimum Insurance Coverage
  - Certificate of Deposit limit
  - Permit Terms
  - Local Government

# Recommendation

The Department recommends that the Board adopt this proposed rulemaking with a 45-day comment period.



**pennsylvania**

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