

Executive Summary

Land Reclamation Financial Guarantees and Bioenergy Crop Bonding 25 Pa. Code Chapters 77, 86, 87, 88, 89, 90 and 211

This rulemaking implements Acts 95 and 157 of 2012 which provide an incentive for the reclamation of coal mine sites with bioenergy crops and which establish the Land Reclamation Financial Guarantee Program, respectively.

The rulemaking provides the ground rules for implementing the biofuels incentive. Act 95 allows for reclamation bond coverage for operators who remine and reclaim the area with biofuel crops for no cost. The regulation also provides the framework for bonding assistance underwritten by existing Commonwealth funds and premiums paid by the operators. Act 157 specifically requires that the Environmental Quality Board promulgate regulations to implement the Land Reclamation Financial Guarantee program. The regulations will establish eligibility requirements, program limits and operational standards.

The rulemaking also includes amendments to Chapters 77, 87, 88, 89, 90 and 211 that are exclusively related to the correction of the citation for the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1- 1396.19b) due to the addition of section 19.2 in Act 157. Numerous corrections are also included in Chapter 86.

The regulations are authorized under the Surface Mining Conservation and Reclamation Act, The Clean Streams Law, the Coal Refuse Disposal Control Act and the Administrative Code of 1929.

The Mining and Reclamation Advisory Board (MRAB) recommended approval of these regulations at their January 22, 2015 meeting.

The regulations will require revisions to application forms and guidance documents. The regulations will also support the full-cost bonding program.

Compliance assistance for this rulemaking will be provided through the routine interaction with trade groups and individual applicants. There are about 500 licensed surface coal mine operators in Pennsylvania who are subject to this regulation. It is not anticipated that the rulemaking will increase costs. Most of the operators subject to this rulemaking are small businesses.

Comments were received from three public commenters and the Independent Regulatory Review Commission. As a result of the comments, the proposed regulations were revised to improve clarity.