
Environmental Quality Board
November 19, 2019
Purpose

• Achieve Consistency with Federal Requirements to Maintain Pennsylvania’s Program Primacy
  • OSM Oversight

• Program Maintenance

• Corrections
• Under the federal Surface Mining Control and Reclamation Act, states may assume primacy over regulation of surface coal mining and reclamation operations.

• 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

• Permit Coverage for Use of Public Roads for Anthracite Coal Mines
Other Program Consistency Issues

- Underground Mine Effluent Limits
- Temporary Cessation
- Definition of “Surface Mining Activities”
- Civil Penalties
- Administrative Requirements
- Form Number Used for Employee Financial Interests
Program Maintenance & Corrections

• Storm Event Data from the NOAA
• Natural Resources Conservation Service
• Regulatory Reference Updates:
  o Chapter 92a
  o Chapter 96
• DER References
• Other Corrections:
  o “Of” to “Or”
  o MSHA Name
  o Remining
Program Updates

- Remining Financial Guarantees
- Coal Ash/Biosolids
- Anthracite Emergency Bond Loan
- Coal Refuse Site Selection
Summary of Final Regulation

• Incorporates federal definition of “Surface Mining Activities”

• Replaces the tables of runoff for storm events with a reference to NOAA’s online tool

• Removes upper time limit for temporary cessation and includes same language in each section

• Makes corrections
• Discussed regulation at several committee meetings between July 2016 and April 2019

• Specific recommendation from MRAB about “Surface Mining Activities” definition

• In April 2019, the MRAB recommended that the Department proceed with the final rulemaking process.
Comments on the Proposed Rulemaking

• Comments received from 3 public commenters and the Independent Regulatory Review Commission (IRRC)

• Comment topics included:
  • Clarification about the change to the definition of haul road in Chapter 88
  • Notifications to municipalities
  • Acknowledgement of the process
  • Equivalent Resources
  • Regulatory Analysis Form
Changes to the Proposed Rulemaking

• Definition of Surface Mining Activities
• Reversion to Previous Wording of Who Should Be Notified
• Residential Septage
• Fees for Water Supply Cases
• Coal Refuse Disposal Temporary Cessation
• “A” to “Any”
The Department recommends that the Board adopt this final-form rulemaking.
Bill Allen
Director
Bureau of Mining Programs
wallen@pa.gov

Joe Iole
Assistant Counsel
Bureau of Regulatory Counsel
jiole@pa.gov