

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 A. GENERAL PROVISIONS

§ 77.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

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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 in order to administer the permit.

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Large noncoal permit—A mining permit that authorizes the extraction of greater than 10,000 tons per year of noncoal materials

Major permit revision—A revision to a permit that requires public notice.

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Minor permit revision—A revision to a permit that does not require public notice.

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Permit application fee—A nonrefundable filing fee due at the time of submission of an application. The permit application fee is required for an application to be considered complete.

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Permit status—An indicator of the level of progress of mining activity at a permitted facility. Permit statuses are as follows:

(i) **Not started.** Mine sites where the mining permit has been issued, but mining activities have not begun.

(ii) **Active.** Mine sites that do not qualify for inactive status, not started status or released status.

(iii) **Inactive.** Mine sites where mineral extraction activity has been completed but final bond release has not been completed.

(iv) **Released.** Mine sites where the final bond release has been completed.

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Small noncoal permit—A mining permit that authorizes the extraction of up to 10,000 tons of noncoal minerals per year.

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Subchapter B. SURFACE MINING OPERATOR'S LICENSE

§ 77.51. License requirement.

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(e) **Refusal to issue or renew license.** The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. **The Department will not renew a noncoal mining operator's license for an applicant who has not made full payment of the annual administration fee required under § 77.106(f) (relating to fees).** A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.

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Subchapter C. PERMITS AND PERMIT APPLICATIONS

GENERAL

§ 77.106. [Permit fees] Fees.

[If required, a permit application for noncoal mining activities shall be accompanied by a check, payable to the "Commonwealth of Pennsylvania" in the amount set forth by the Department. The Department may require other fees set by the act, the environmental acts, this title or the Secretary.]

(a) 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) 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) 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 for the purposes specified by the act.

(d) 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) New Permits	Fee
Large Surface Mining Permit—Mining below water table	\$20,225
Large Surface Mining Permit—Not mining below water table	\$13,500
Small Surface Mining Permit	\$525

General Permit	\$525
Underground Mining Permit	\$20,225
(2) Major Amendments	Fee
Large Surface Mining Permit—Mining below water table	\$3,850
Large Surface Mining Permit—Not mining below water table	\$1,600
Underground Mining Permit	\$2,650
(3) Minor Amendments	Fee
Large Surface Mining Permit	\$700
Small Surface Mining Permit	\$175
(4) Transfers	Fee
Large Surface Mining Permit	\$900
Underground Mining Permit	\$900
Small Surface Mining Permit	\$175
(5) Other Actions	Fee
Bonding Increment	\$450
Completion Report Application	\$600
Blast Plan	\$475
Notice of Intent to Explore	\$60
Preapplications	\$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—Short Term Construction	\$200
All Permits—Not Started	\$100
All Permits—Inactive	\$100

REVIEW, PUBLIC PARTICIPATION, ITEMS AND CONDITIONS OF PERMIT APPLICATIONS

§ 77.126. Criteria for permit approval or denial.

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(c) A permit, permit renewal or revised permit application will not be approved, unless the applicant has made full payment of the permit application fee required under §

77.106(e) (relating to fees) and the annual administration fee required under § 77.106(f) for all of the applicant's permitted mining facilities.