

§ 86.1. Definitions.

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

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 to administer the permit.

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, and

(a) stage 2 bond liability has been released, but final bond release has not been completed, or

(b) that have been reclaimed to stage 2 bond release standards, but have a post-mining polluttional discharge which is treated using a passive treatment system,

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

§ 86.17. Permit and reclamation fees.

(a) A permit application for coal mining activities shall be accompanied by a payment to the “Commonwealth of Pennsylvania” for the amount of the permit application fee provided in the fee schedule in subsection (b) which corresponds to the type of application being submitted. For purposes of this subsection, permit applications include the applications in subsection (b).

(b) The permit application fee schedule is as follows:

(1) *New Permits*

Fee

Surface Mining Permit	3,250 6,750
Coal Refuse Reprocessing Permit	1,900 3,950
<u>Bituminous</u> Coal Refuse Disposal Permit	3,250 13,750
<u>Anthracite Coal Refuse Disposal Permit</u>	<u>\$5,150</u>
<u>Bituminous</u> Coal Preparation Plant Permit	1,650 \$5,150
<u>Anthracite Coal Preparation Plant Permit</u>	<u>\$3,400</u>
Anthracite Underground Mining Permit	1,650 3,400
Bituminous Underground Mining Permit	5,750 20,600
Post Mining Activity Permit	300 675
Incidental Extraction Permit	1,650 3,400

<i>(2) Major Permit Revisions</i>	<i>Fee</i>
Surface Mining Permit	300 675
Coal Refuse Reprocessing Permit	300 675
Anthracite Coal Refuse Disposal Permit	300 700
Bituminous Coal Refuse Disposal Permit	1,250 3,400
Anthracite Coal Preparation Plant Permit	300 700
Bituminous Coal Preparation Plant Permit	1,250 2,900
Anthracite Coal Underground Mining Permit	300 700
Bituminous Coal Underground Mining Permit	1,250 6,750

<i>(3) Permit Transfer</i>	<i>Fee</i>
<u>[All]</u>	<u>\$250</u>
<u>Surface Mining Permit</u>	<u>\$500</u>
<u>Coal Refuse Reprocessing Permit</u>	<u>\$500</u>
<u>Anthracite Coal Refuse Disposal Permit</u>	<u>\$500</u>
<u>Bituminous Coal Refuse Disposal Permit</u>	<u>\$1,000</u>
<u>Anthracite Coal Preparation Plant Permit</u>	<u>\$500</u>
<u>Bituminous Coal Preparation Plant Permit</u>	<u>\$1,000</u>
<u>Anthracite Coal Underground Mining Permit</u>	<u>\$500</u>
<u>Bituminous Coal Underground Mining Permit</u>	<u>\$1,000</u>

<i>(4) Permit Renewal</i>	<i>Fee</i>
<u>[All]</u>	<u>\$250</u>
<u>Surface Mining Permit</u>	<u>\$225</u>
<u>Coal Refuse Reprocessing Permit</u>	<u>\$225</u>
<u>Anthracite Coal Refuse Disposal Permit</u>	<u>\$225</u>
<u>Bituminous Coal Refuse Disposal Permit</u>	<u>\$1,000</u>

<u>Anthracite Coal Preparation Plant Permit</u>	<u>\$225</u>
<u>Bituminous Coal Preparation Plant Permit</u>	<u>\$1,000</u>
<u>Anthracite Coal Underground Mining Permit</u>	<u>\$225</u>
<u>Bituminous Coal Underground Mining Permit</u>	<u>\$3,400</u>

<i>(5) Other Actions</i>	<i>Fee</i>
Auger Safety Permit	<u>[\$200]400</u>
Bond Liability Revision	<u>[\$100]250</u>
<u>Blast Plans</u>	<u>\$250</u>
<u>Completion Reports</u>	<u>\$300</u>
<u>Pre-applications</u>	<u>\$1,700</u>
<u>Exploration Notices</u>	<u>\$50</u>
<u>Six-month Maps</u>	<u>\$675</u>

(f) 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. Beginning on [INSERT DATE], the applicable fee amounts are specified as follows:

<u>Permit Status</u>	<u>Annual Fee</u>
<u>Active</u>	<u>\$500</u>
<u>Active-Remining</u>	<u>\$300</u>
<u>Not Started</u>	<u>\$100</u>
<u>Inactive</u>	<u>\$200</u>
<u>Inactive-Remining</u>	<u>\$100</u>

(g) For completion reports where the release area includes reclaimed abandoned mine lands, the application fee will not be assessed.

(h) The permit application fee amount due for new permits will be reduced by the amount paid with the associated pre-application.

§ 86.37. Criteria for permit approval or denial.

(d) 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 § 86.17(b) (relating to fees) and the annual administration fee required under § 86.17(f) for all of the applicant's permitted mining facilities.

§ 86.355. Criteria for approval of application.

(a) The Department will not issue, renew or amend the license of any person who mines coal by the surface mining method if, after investigation and an opportunity for an informal conference, it finds one or more of the following:

(1) The applicant has failed, and continues to fail, to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a person's bonds. The Department will consider the applicant to be in compliance, for purposes of determining whether the license will be issued, renewed or amended, when the applicant is in compliance with a schedule approved by the Department in writing.

(2) The applicant has shown a lack of ability or intention to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by written notice from the Department of a declaration of forfeiture of a person's bonds.

(3) The applicant has a partner, associate, officer, parent corporation, subsidiary corporation, contractor or subcontractor which has failed and continues to fail to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a persons' bonds. The Department will consider the applicant to be in compliance, for purposes of determining whether the license shall be issued, renewed or amended, when the conduct is being corrected to the satisfaction of the Department in accordance with a schedule approved by the Department in writing.

(4) The applicant has a partner, associate, officer, parent corporation, subsidiary corporation, contractor or subcontractor which has shown a lack of ability or intention to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a person's bonds.

(5) The applicant has not made full payment of the annual administration fee required under § 86.17(f) (relating to fees).

(b) The Department will issue a notice of intention not to issue, renew or amend a license for the reasons in subsection (a).

(c) Prior to the final action of not issuing, renewing or amending a license, the Department will notify the applicant, in writing, of the intention not to issue, renew or amend the license, and the opportunity for an informal conference.

(d) A person who opposes the Department's decision on issuance, renewal or amendment of a license has the burden of proof.

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(e) For the purposes of this section, “adjudicated proceeding” means a final unappealed order of the Department or a final order of the EHB or other court of competent jurisdiction.