

FEE REPORT FORM

Agency: Bureau of Mining Programs
Department of Environmental Protection

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Fee Collections:	Prior Year 2010-2011 (FY)	Current Year 2011-2012 (Anticipated)	Fiscal Year 2012/13 Projected	Fiscal Year 2013/14 Projected	Fiscal Year 2014/15 Projected
Current – Total	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Proposed-Projected	\$0	\$0	\$1,250,000	\$2,500,000	\$2,500,000

FEE TITLE AND RATE:

Title: Noncoal Mining Fees

Current Fee Schedule:

The current fee is in accordance with the following, and must accompany a permit application. The fee is as follows:

CATEGORY	FEE
- Surface Mining or Underground Mining, Support Facilities (including NPDES when required)	\$250

Proposed Fee Schedule:

The fee proposal includes permit application fees and annual administration fees. The proposed fees would be in accordance with the following schedules and must accompany a permit application. The fees are as follows:

The Permit Application Fee schedule:

New Permits	Fee
Large Surface Mining Permit-Groundwater Pumping Authorized	\$20,225.00
Large Surface Mining Permit-No Groundwater Pumping	\$13,500.00
Small Surface Mining Permit	\$525.00
Underground Mining Permit	\$20,225.00
Major Amendments	Fee
Large Surface Mining Permit- Groundwater Pumping Authorized	\$3,850.00
Large Surface Mining Permit- No Groundwater Pumping	\$1,600.00
Underground Mining Permit	\$2,650.00

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Minor Amendments	Fee
Large Surface Mining Permit	\$700.00
Small Surface Mining Permit	\$175.00

Transfers	Fee
Large Surface Mining Permit	\$900.00
Underground Mining Permit	\$900.00

Other Actions	Fee
Bonding Increment	\$450.00
Completion Report Application	\$600.00
Blast Plan	\$475.00
Notice of Intent to Explore	\$60.00
Pre-applications	\$3,375.00

The Annual Administration Fee schedule:

Permit Category-Permit Status	Annual Fee
Large Surface Mining Permit-Active	\$1,450.00
Large Surface Mining Permit-Active with Blasting	\$1,850.00
Small Surface Mining Permit-Active	\$200.00
Small Surface Mining Permit-Active with Blasting	\$300.00
Underground Mining Permit-Active	\$1,450.00
General Permit	\$200.00
All Permits-Not Started	\$100.00
All Permits-Inactive	\$100.00

Fee Objective:

The fees have been calculated to cover the personnel and operational costs to the Department to review permit applications and administer and enforce permits in accordance with the Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. § 3307(a). This section reads: "The department is authorized to charge and collect from persons a reasonable filing fee, which fee shall not exceed the cost of reviewing, administering and enforcing the permit."

The Department tracks its program costs by using the SAP database. This shows total personnel costs of \$2,200,000 for the program a year. Further analysis of the data shows additional costs for transportation, water sampling and supplies result in a cost of \$300,000. The total cost of the program is \$2,500,000 a year.

Fee Related Activities and Costs:

The permit application fee amounts were calculated based on the staff time needed to review the various kinds of permit applications. The Bureau of District Mining Operations maintains a workload analysis that tracks the permit applications and the review times. This workload analysis assigns a number of hours of staff time per application. The permit application fee

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amounts are based only on the cost of reviewing the application and are not intended to cover the costs of administering and enforcing the permit.

The annual administration fee amounts were calculated based on the workload analysis time to inspect the various kinds and statuses of permits. The same methodology was used for these fees as for the permit application fees.

Analysis of the program costs reveals that about 25% of the total cost is for permit reviews, 40% for enforcement of the permits and 35% for administrative (clerical and supervisory) support of these activities.

Revenue projections, based on the most recent few years' applications and the current list of mine sites break down with about \$600,000 from the application fees and \$1,500,000 from the annual administrative fee. Other revenue available to operate the program comes from license fees (about \$250,000 per year) and civil penalties (about \$150,000 per year). Interest income is also available, but is difficult to predict in the current economic climate.

Analysis:

The current permit fees for the noncoal mining program are minimal. Under the new fee schedule the Department will collect fees that will support the review of applications and administering and enforcing the permit. Historically, the program costs have been provided through General Fund appropriations, with \$2,500,000 spent to implement the Noncoal Act.

The proposed regulation provides for the review of adequacy of the fee schedule at least every three years to assure that the fees are appropriate based upon actual cost for review.

Comment:

The fee schedule has been reviewed by the regulated industry. The proposed rulemaking was published in the PA Bulletin in August 2010. Comments were received from 20 commentators relating to the proposed regulation. While there was some support for the proposal indicated, the majority of comments were in opposition to the imposition, and the amounts, of the increased fees.

An additional comment period was provided through notice in the PA Bulletin published January 28, 2012. Comments were received from 20 commentators during this comment period. These comments were mostly (13 of 20) related to sand and gravel operations in northwest Pennsylvania. The comments primarily focused on the adverse impact the increased fees will have on small businesses that operate sand and gravel pits. Four comments of support were received.