

## FEE REPORT FORM

**Agency:** Bureau of Mining Programs  
Department of Environmental Protection

**Contact:** Thomas Callaghan, P.G.  
Director  
Bureau of Mining Programs

**Phone:** 717-787-5015

<b>Fee Collections:</b>	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
Current – Total	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Proposed-Projected	\$0	\$300,000	\$400,000	\$400,000	\$400,000

### FEE TITLE AND RATE:

**Title:** Coal Mining Permit Fees

#### Current Fee Schedule:

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

<b>CATEGORY</b>	<b>FEE</b>
- Surface Mining or Underground Mining, Support Facilities	\$250
Coal Refuse Disposal Facilities	\$500 PLUS \$10 PER ACRE FOR EACH ACRE IN EXCESS OF 50 ACRES

#### Proposed Fee Schedule:

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

	Fee
(1) New Permits	
Surface Mining Permit	\$3,250
Coal Refuse Reprocessing Permit	\$1,900
Coal Refuse Disposal Permit	\$3,250
Coal Preparation Plant Permit	\$1,650
Anthracite Underground Mining Permit	\$1,650
Bituminous Underground Mining Permit	\$5,750
Post Mining Activity Permit	\$300
Incidental Extraction Permit	\$1,650

COAL MINING PERMIT FEES  
FEE REPORT FORM  
Page 2 of 3

(2) Major Permit Revisions	Fee
Surface Mining Permit	\$300
Coal Refuse Reprocessing Permit	\$300
Anthracite Coal Refuse Disposal Permit	\$300
Bituminous Coal Refuse Disposal Permit	\$1,250
Anthracite Coal Preparation Plant Permit	\$300
Bituminous Coal Preparation Plant Permit	\$1,250
Anthracite Coal Underground Mining Permit	\$300
Bituminous Coal Underground Mining Permit	\$1,250
(4) Transfer	Fee
All	\$250
(5) Renewal	Fee
All	\$250
(6) Other Actions	Fee
Auger Safety Permit	\$200
Bond Liability Revision	\$100

**Fee Objective:**

The fees have been calculated to cover a portion of the costs to DEP to review permit applications in accordance with the Surface Mining Conservation and Reclamation Act, 52 P.S. § 1396.4. This section reads: "The department is authorized to charge and collect from persons a reasonable filing fee. Such fee shall not exceed the cost of reviewing, administering and enforcing such permit." Other applicable statutes are the Coal Refuse Disposal Control Act and the Bituminous Mine Subsidence and Land Reclamation Act, which have similar language.

**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 system that tracks the permit applications

COAL MINING PERMIT FEES  
FEE REPORT FORM  
Page 3 of 3

and the review times. This workload analysis assigns a number of hours of staff time per application based on historical data recording staff review time. These workload hours were multiplied by a typical hourly wage rate then supplemented to cover benefits (add 41%) and overhead (add 30%). Notably, the permit application fee amounts are based only on the cost of reviewing the permit application and are not designed to cover any of the costs to administer and enforce the permit, even though the mining statutes expressly authorize DEP to charge and collect fees to cover the costs to administer and enforce mining permits.

**Analysis:**

The current permit fees for the coal mining program are minimal. Under the new fee schedule DEP will collect fees that will only partly support the review of permit applications. Historically, the coal mining program costs have been paid with General Fund appropriations and the Title V grant administered by the Federal Office of Surface Mining. The budget amount for the Title V program for federal fiscal year 2012 is \$23.7 million.

The 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 costs.

**Comment:**

The fee schedule has been recommended by the Mining and Reclamation Advisory Board. The Environmental Quality Board did not receive any comments on the proposed rulemaking during the public comment period, nor did the Independent Regulatory Review Commission issue any objections, comments or recommendations on the proposed regulation.