

**MINUTES  
ENVIRONMENTAL QUALITY BOARD MEETING  
July 17, 2012**

**VOTING MEMBERS OR ALTERNATES PRESENT**

Alisa Harris, Acting Chairperson for Michael Krancer, Secretary, Department of Environmental Protection  
Gwenn Dando, alternate for Julia Hearthway, Secretary, Department of Labor and Industry  
Bryan Kendro, alternate for Barry Schoch, Secretary, Department of Transportation  
Patrick McDonnell, alternate for Robert Powelson, Chairman, PA Utility Commission  
Jamie Serra, alternate for Representative Camille George  
Jonathan Lutz, alternate for Representative Scott Hutchinson  
Richard Fox, alternate for Senator John Yudichak  
Adam Pankake, alternate for Senator Mary Jo White  
Michael DiMatteo, alternate for Carl Roe, Executive Director, PA Game Commission  
Burt Waite, Citizens Advisory Council  
Mark Hartle, alternate for John Arway, Executive Director, PA Fish and Boat Commission  
Patrick Henderson, alternate for Jennifer Branstetter, Secretary, Governor's Office of Policy & Planning  
Cynthia Carrow, Citizens Advisory Council  
Walter Heine, Citizens Advisory Council  
Gail M. Conner, Citizens Advisory Council  
Paul Opiyo, alternate for C. Alan Walker, Secretary, Department of Community and Economic Development  
Ben Junkin, alternate for George Greig, Secretary, Department of Agriculture  
Dr. Kandiah Sivarajah, alternate for Eli Avila, Secretary, PA Department of Health

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT**

Doug Brennan, Director, Bureau of Regulatory Counsel  
Patricia Allan, Director, Policy Office  
Michele Tate, Regulatory Coordinator

**CALL TO ORDER AND APPROVAL OF MINUTES**

Acting Chairperson Harris called the meeting to order at 9:05 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board considered its first item of business – the April 17, 2012, EQB meeting minutes.

**Burt Waite moved to adopt the April 17, 2012, EQB meeting minutes. Patrick McDonnell seconded the motion, which was unanimously approved by the Board.**

**CONSIDERATION OF FINAL RULEMAKING: COAL MINING PERMIT FEES (25 Pa. Code Chapter 86)**

John Stefanko, Deputy Secretary for Active and Abandoned Mine Operations, provided an overview of the final rulemaking. Tom Callaghan, Director, Bureau of Mining Programs, and Richard Morrison, Executive Deputy Chief Counsel, Office of Chief Counsel, assisted with the presentation.

Following the Department's presentation, there were no comments or questions raised by the Board concerning the final-form rulemaking.

**Richard Fox moved to adopt the final rulemaking. Paul Opiyo seconded the motion, which was approved by a majority of the Board members. Jonathan Lutz voted in opposition to the motion.**

### **CONSIDERATION OF FINAL RULEMAKING: NONCOAL MINING FEES (25 Pa. Code Chapter 77)**

John Stefanko, Deputy Secretary for Active and Abandoned Mine Operations, provided an overview of the final rulemaking. Tom Callaghan, Director, Bureau of Mining Programs, and Richard Morrison, Executive Deputy Chief Counsel, Office of Chief Counsel, assisted with the presentation.

Following the Department's presentation, Richard Fox inquired when IRRC may reconsider the final-form rulemaking. Michele Tate replied that the Department anticipates IRRC will reconsider the final rulemaking at its August 16, 2012, meeting.

In comparing the percentage of program expenses supported by fees, Walter Heine noted that the Coal Mining Permit Fees rulemaking will generate approximately 4% of the Department's cost to operate the program, whereas the Noncoal Mining Fees rulemaking will establish fees that will cover the full cost of the program. Deputy Secretary Stefanko acknowledged Mr. Heine's comments but noted that 50% of the costs associated with the coal mining program in Pennsylvania are supported through a federal grant by the Office of Surface Mining Reclamation and Enforcement, which the Commonwealth must provide matching funds. In closing remarks, Cynthia Carrow stated it was compelling to her that without the fee revenue to be generated by this final rulemaking, the Department will not be capable of issuing, administering and enforcing permits required by the Noncoal Mining Act.

**Patrick McDonnell moved to adopt the final rulemaking. Cynthia Carrow seconded the motion, which was approved by a majority of the Board members. Jonathan Lutz voted in opposition to the motion.**

### **OTHER BUSINESS:**

Acting Chairperson Harris announced that the next meeting of the Board is scheduled for Tuesday, August 21, 2012. The meeting will convene at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg.

### **ADJOURN:**

With no further business before the Board, Richard Fox moved to adjourn the meeting. Paul Opiyo seconded the motion, which was unanimously approved by the Board. The July 17, 2012, meeting of the Board was adjourned at 9:25 a.m.