

EXECUTIVE SUMMARY
25 Pa. Code, Chapters 87, 88 and 90
Remining Requirements

This proposed rulemaking updates the coal mining remining requirements for pre-existing discharges to incorporate the federal effluent limit guidelines. The regulations are authorized under the Surface Mining Conservation and Reclamation Act, The Clean Streams Law, and the Administrative Code of 1929.

The proposed rulemaking makes Pennsylvania's regulations consistent with the federal regulations. The rulemaking will be subject to approval by the Office of Surface Mining Reclamation and Enforcement. The comparable federal regulations were developed based primarily on a pilot program conducted in Pennsylvania. The proposed rulemaking adopts the two statistical methods in the federal regulations. One of the methods is the same as that currently used. The other method is proposed to be adopted to provide a maximum degree of flexibility.

This proposal will allow for additional reclamation of abandoned mine lands by providing protection to mine operators from potential long-term treatment liability associated with post-mining discharge. Also, conducting remining is a business decision for each applicant as to whether they want to undertake a project which entails remining. Further, the provisions of the rulemaking that allow for remining in circumstances where calculating the baseline pollution load of discharges is not feasible have the potential to open up areas to remining where it was not previously possible. Remining typically results in substantial improvements in water quality in addition to the land reclamation.

Provisions are proposed that incorporate requirements which have been included in remining permit documents. The rulemaking will require revisions to application forms and guidance documents.

Compliance assistance for this rulemaking will be achieved through routine consultation with trade groups, citizens, and individual applicants. Approximately 500 licensed coal surface mine operators in Pennsylvania will be subject to this rulemaking. It is not anticipated that the rulemaking will increase costs. Most of the operators subject to this rulemaking are small businesses.

The Mining and Reclamation Advisory Board (MRAB) recommended that the Department proceed with the rulemaking process for these regulations at their October 23, 2014 meeting. The proposed rulemaking is the result of extensive interaction with the MRAB's Regulation, Legislation and Technical committee.

It is recommended that the proposed regulation be published with a 30-day comment period. It is not expected that public meeting or hearing will be needed due to continued collaboration with stakeholders.