Proposed Rulemaking:
Noncoal Mining
Corrections and Clarifications
(25 Pa. Code Chapter 77)

Environmental Quality Board Meeting
November 17, 2020
Chapter 77 was finalized in 1990
- Fee updates made in 2012 and 2019

Since 1990, Department experience has highlighted several areas of Chapter 77 that need clarification

This proposed rulemaking seeks to make:
- Corrections to errors and address changes
- Clarifications of existing regulations
Collaboration with Aggregate Advisory Board

• Developed the scope & language of the proposed rulemaking with the Aggregate Advisory Board

• Discussed rulemaking at 4 RLT Committee meetings from October 2018 to May 2020

• On May 6, 2020, the Aggregate Advisory Board concurred with the Department’s recommendation that the proposed rulemaking proceed in the regulatory process
• Definition changes:
  – Insignificant Boundary Correction (New)
  – Local Government (New)
  – Noncoal Minerals
  – Noncoal Surface Mining Activities
  – Related Party
  – Noxious Plants
  – Sedimentation Pond (Correction)
Summary of Proposed Rulemaking

• Corrections:
  – Sedimentation Pond Definition (77.1)
  – NRCS (77.531, 77.618)
  – Chapter 92a (77.532)
  – Cleanup (77.654)
  – Formatting (77.655)
  – Chance/change (77.807)
• Clarifications:
  – Public Notice
  – Permit Revisions
  – Permit transfers
  – Insurance requirements
  – Civil Penalties
  – Reclamation
Summary of Proposed Rulemaking

• Exploration activity revisions:
  – Drilling vs. other methods
  – Authorization
    • Permit waiver
    • Notice
  – EHB Cases
  – Clarity
Summary of Proposed Rulemaking

• Explosives correction:
  – 77.564(k)
  – Formula is missing terms
  – Phrase “or greater” renders the regulation impossible to comply with

• Blasting provision updates:
  – Recordkeeping
  – Air Blast limits
  – Preblasting surveys
• Additional revisions:
  – LLCs
  – Minimum Insurance Coverage
  – Certificate of Deposit limit
  – Permit Terms
  – Local Government
The Department recommends that the Board adopt this proposed rulemaking with a 45-day comment period.
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