

COALEX State Comparison Report - 238
December, 1992

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TOPIC: PERMIT AND ACREAGE FEES (Updates Reports Nos. 147 & 17)

INQUIRY: Please survey the IMCC member states for the following information on coal mining permits: current fee requirements for permit applications, per acre charges, and permit renewal and revision fees. Describe the charges, where appropriate, e.g., indicate if the acreage fee is per "bonded acre".

SURVEY RESULTS: A survey of eleven IMCC member states was conducted via mailed questionnaire. The results of the survey appear below and are summarized in tabular form (see attached table). Copies of a 1990 survey of IMCC states plus two surveys of western states are also attached.

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#### RESULTS OF THE SURVEY

##### ALABAMA

Permit application fee: \$ 2,500 per application + acreage fee.

Acreage fee: \$ 25 per acre bonded with each application.

Renewal fee: \$ 500 + \$ 25 per acre bonded.

Revision fee: Ranges from \$ 100 to \$ 1,500.

\$ 100 - Transfer fee

\$ 250 - Revision to add small acreage

\$ 750 - Revision to change increment lines or reclamation plans

\$ 1,500 - Major revisions requiring public notice

Do fees cover actual processing time: Yes, Coal fees are revised when necessary. [Non-coal fees must be revised by statute change.]

Statute/regulation cite: Code of Alabama, 1975, Section 9-16-83(a) authorized rules and regulations effective 1982. Regulation Section 880-X-8B-.07.

##### ARKANSAS

Permit application fee:

\$ 500.

\$250 review fee + a \$ 250 administrative and enforcement fee for greater than 250 ton exploration.

Acreage fee: \$ 500 or \$ 30 per acre annual fee for all areas which will be affected during the following 12-month period, whichever is greater.

Annual fee: This annual administrative and enforcement fee is submitted on the anniversary date of the permit and each subsequent year.

Renewal fee: There are no references to fees under the renewal regulations.

Revision fee: There are no references to fees under the revision regulations.

Do fees cover actual processing time: The permit review fee was intended to cover review of the application and all revisions submitted by the applicant during the permit review process; the fee is inadequate to compensate for the actual man-hours involved in the review process.

Statute/regulation cite: Arkansas Surface Coal Mining and Reclamation Code (Code) Section 771.25.

#### ILLINOIS

Permit application fee: See below.

Acreage fee: \$ 125 per bonded acre for surface mined land.

Annual fee: \$ 5 per acre for each year bond is in force for all other areas. Can be paid in annual increments.

Renewal fee: None.

Revision fee: None.

Do fees cover actual processing time: Yes.

Statute/regulation cite: 62 Ill Adm Code 1777.17.

#### INDIANA

Permit application fee: None.

Acreage fee: None.

Renewal fee: None.

Revision fee: None.

Do fees cover actual processing time: \$ 0.055 per ton of mined coal paid by all permittees to

cover the state share of program costs.

Statute/regulation cite: IC 13-4.1-3-2.

#### KENTUCKY

Permit application fee:

\$ 25.00 per year;

License fee: \$100.00 per year.

Acreage fee: Bond, when required:

\$ 100 - \$ 500 per acre/minimum bond

\$ 2,000 land affected

Annual fee: See application and license fees.

Renewal fee: See above.

Revision fee: Under 10% change in total acres no fee. Over 10% change in total acres fee is same as permit fee.

Do fees cover actual processing time: Yes.

Statute/regulation cite: 405 KAR 5:010 and 405 KAR 5:020.

#### MARYLAND

Permit application fee: See below.

Acreage fee:

\$ 12 per acre per year to a maximum of \$ 1,000.

\$ 30 per acre reclamation fee.

Annual fee: See above.

Renewal fee: Same as application (acreage) fee. No reclamation fee.

Revision fee: \$ 100 plus new acreage fee, if acreage is added.

Do fees cover actual processing time: Yes.

Statute/regulation cite: Annotated Code of Maryland, Natural Resources Article, Section 7-6A-07.

#### MISSOURI

Permit application fee: \$ 100 per permit.

Acreage fee: \$ 100 per acre. Fees are on all acreage permitted, not necessarily bonded; Fees are

due when permit application is deemed complete.

Annual fee: \$ 100 per permit.

Renewal fee: \$ 100 per permit.

Revision fee:

\$ 100 for major revisions.

\$ 0 for minor revisions.

Do fees cover actual processing time: No.

Statute/regulation cite: 444.820.1 RSMO Cum Supp 1990 (Surface Mining Law); 10 CSR 40-6.010(6) - Rules.

OHIO

Permit application fee: None.

Acreage fee: \$ 75 per acre.

Renewal fee: None.

Revision fee: None.

Do fees cover actual processing time: Yes.

Statute/regulation cite: 1513.07(B)(1).

PENNSYLVANIA

Permit application fee:

\$ 250 per application for surface coal mines, underground mines and coal preparation plants.

\$500 per application for coal refuse disposal operations plus \$ 10 per acre for acreage in excess of 50 acres.

Acreage fee: \$ 50 per acre reclamation fee for new surface coal mines.

Renewal fee: \$ 250 per application.

Revision fee: None.

Do fees cover actual processing time: No.

Statute/regulation cite: 25 Pa Code Section 86.17.

## VIRGINIA

Permit application fee: None.

Acreage fee: \$ 12 per acre or any fraction thereof for the total acreage permitted.

Annual fee: \$ 6 per acre or any fraction thereof for areas disturbed under the permit. Paid on the permit anniversary.

Renewal fee: See above.

Revision fee: Acreage fee applies if revision is to add additional acreage.

Do fees cover actual processing time: No.

Statute/regulation cite: 45.1-235 E of Virginia Coal Surface Mining Control and Reclamation Act of 1979; VA.CSMRR 480-03-19.777.17 Permit fees.

## WEST VIRGINIA

Permit application fee: \$ 1,000.00

Acreage fee: \$ 1,000 to \$ 5,000 site specific bond per acre or fraction thereof.

Renewal fee: \$ 2,000.00

Revision fee: None.

Do fees cover actual processing time: No.

Statute/regulation cite: New Permit: 22A-3-8(f); Renewal: 22A-3-19(a)(4).

## ATTACHMENTS

- A. TABLE OF FEES
- B. COALEX State COMPARISON REPORT - 147
- C. COMPARISON OF MINING PERMIT FEES FOR FIVE WESTERN States, compiled January, 1990.
- D. COMPARISON OF MINING PERMIT/REGULATORY FEES IN WESTERN States, compiled by Mark Moxley, Wyoming DEQ-LQD, December, 1991.

Survey conducted by: IMCC and Joyce Zweben Scall

TABLE OF FEES (Reformatted from original)

## ALABAMA

Permit Fees: \$ 2,500 + acre fee

Acre Fees: \$ 25 per bonded acre per application  
Renew/Annual Fees: \$ 500 + \$ 25 per bonded acre  
Revise Fees:  
    \$ 100 - Transfer fee  
    \$ 250 - Revise: small acreage  
    \$ 750 - Revise: reclamation plans  
    \$ 1,500 - Revise: major  
Cover Time: Yes

#### ARKANSAS

Permit Fees: \$ 500 (\$250 for review + \$ 250 for admin. & enforcement)  
Acre Fees: \$ 500 or \$ 30 per acre affected\*  
Renew/Annual Fees: \*These fees are paid on the anniversary of permit  
    No renewal fee  
Revise Fees: None - Though intended to cover processing time, fees do not cover actual man-hours.  
Cover Time: No

#### ILLINOIS

Permit Fees: See acre fees  
Acre Fees: \$ 125 per bonded acre  
Renew/Annual Fees: \$ 5 per acre each year bond in force  
    No renewal fee  
Revise Fees: None  
Cover Time: Yes

#### INDIANA

Permit Fees: None  
Acre Fees: None  
Renew/Annual Fees: None  
Revise Fees: None  
Cover Time: \$.055 per ton - Per ton fee of mined coal is intended to cover state's share of program costs.

#### KENTUCKY

Permit Fees: \$ 25 + \$ 100 license per year  
Acre Fees: Bond: \$ 100 - \$ 500 per acre/min.; \$ 2,000 land affected  
Renew/Annual Fees: See permit fees  
Revise Fees: Under 10% acre change = no fee; over 10% same as permit fees  
Cover Time: Yes

#### MARYLAND

Permit Fees: See acre fees  
Acre Fees: \$ 12 per acre per year to max. of \$ 1,000; \$ 30 per acre reclam. fee

Renew/Annual Fees: Annual and renew fees are same as acre fees

No reclam. fees

Revise Fees: \$ 100 + new acre fee if acreage added

Cover Time: Yes

#### MISSOURI

Permit Fees: \$ 100 per permit

Acre Fees: \$ 100 per acre permitted, not bonded

Renew/Annual Fees: \$ 100 per permit: annual and renewal fees

Revise Fees: \$ 100 - Fee is for major revisions. There is no fee for minor revisions.

Cover Time: No

#### OHIO

Permit Fees: None

Acre Fees: \$ 75 per acre

Renew/Annual Fees: None

Revise Fees: None

Cover Time: Yes

#### PENNSYLVANIA

Permit Fees: \$ 250 per application - Fee for surface coal mines, underground mines and coal preparation plants. Application fee for coal refuse disposal operations = \$ 500 + \$ 10 per acre for acreage in excess of 50 acres.

Acre Fees: \$ 50 per acre reclam. fee for new mines.

Renew/Annual Fees: \$ 250 to renew

Revise Fees: None

Cover Time: No

#### VIRGINIA

Permit Fees: None

Acre Fees: \$ 12 per acre permitted

Renew/Annual Fees: \$ 6 per acre on permit anniversary

Revise Fees: Acreage fee applies if revision adds acreage

Cover Time: No

#### WEST VIRGINIA

Permit Fees: \$ 1,000

Acre Fees: Bond: \$ 1,000 - \$ 5,000 per acre or fraction

Renew/Annual Fees: \$ 2,000 to renew

Revise Fees: None

Cover Time: No