

Annex A

§ 86.1. Definitions.

Annual Administration Fee--a non-refundable filing fee assessed on an annual basis for the administration of a permit.

Major Permit Revision--a revision to a permit that requires public notice.

Minor Permit Revision--a revision to a permit that does not require public notice.

Permit Application Fee--A non-refundable filing fee due at the time of submission of an application. The permit application fee is required in order for an application to be considered complete.

Permit Status—an indicator of the level of progress of mining activity at a permitted facility. Permit statuses are as follows:

Inactive—mine sites where coal extraction has been completed, but reclamation activities remain to be completed or final bond release has not occurred.

Not Started—mine sites where the mining permit has been issued, but the mining activities have not begun.

Active—all mine sites that are neither Inactive or Not Started.

§ 86.3. Use of Coal Refuse Disposal Control Fund.

(a) Moneys, including permit application fees, fines, bond forfeitures and civil penalties deposited in the Coal Refuse Disposal Control Fund may be used by the Department for the elimination of pollution, the abatement of health and safety hazards and nuisances, reclamation and other related uses including conducting scientific studies and research as authorized under the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66).

(b) Permit Application Fees required by this Chapter for permit applications submitted pursuant to the Coal Refuse Disposal Control Act will be used by the Department to cover its costs to review such applications.

§ 86.17. Permit and reclamation fees.

(a) A permit application for coal mining activities shall be accompanied by a **fee [check for \$250]** payable to the “Commonwealth of Pennsylvania.” **For purposes of this subsection, permit applications include all of the applications listed in section b.**

(b)[A permit application for a coal preparation plant shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.”] **The Permit Application Fee schedule shall be as follows:**

<u>(1) New Permits</u>	<u>Fee</u>
<u>Surface Mining Permit</u>	<u>\$2,175.00</u>
<u>Coal Refuse Reprocessing Permit</u>	<u>\$1,250.00</u>
<u>Coal Refuse Disposal Permit</u>	<u>\$1,625.00</u>
<u>Coal Preparation Plant Permit</u>	<u>\$1,075.00</u>
<u>Anthracite Underground Mining Permit</u>	<u>\$1,075.00</u>
<u>Bituminous Underground Mining Permit</u>	<u>\$3,825.00</u>
<u>Post Mining Activity Permit</u>	<u>\$200.00</u>
<u>Incidental Extraction Permit</u>	<u>\$1,075.00</u>

<u>(2) Major Permit Revisions</u>	<u>Fee</u>
<u>Surface Mining Permit</u>	<u>\$175.00</u>
<u>Coal Refuse Reprocessing Permit</u>	<u>\$175.00</u>
<u>Anthracite Coal Refuse Disposal Permit</u>	<u>\$175.00</u>
<u>Bituminous Coal Refuse Disposal Permit</u>	<u>\$800.00</u>
<u>Anthracite Coal Preparation Plant Permit</u>	<u>\$175.00</u>
<u>Bituminous Coal Preparation Plant Permit</u>	<u>\$800.00</u>
<u>Anthracite Coal Underground Mining Permit</u>	<u>\$175.00</u>
<u>Bituminous Coal Underground Mining Permit</u>	<u>\$925.00</u>

<u>(3) Minor Permit Revisions</u>	<u>Fee</u>
<u>Surface Mining Permit</u>	<u>\$75.00</u>
<u>Refuse Reprocessing Permit</u>	<u>\$75.00</u>
<u>Refuse Disposal Permit</u>	<u>\$50.00</u>
<u>Preparation Plant Permit</u>	<u>\$50.00</u>
<u>Underground Mining Permit</u>	<u>\$75.00</u>

<u>(4) Transfer</u>	<u>Fee</u>
<u>Surface Mining Permit</u>	<u>\$125.00</u>
<u>Coal Refuse Reprocessing Permit</u>	<u>\$125.00</u>
<u>Anthracite Refuse Disposal Permit</u>	<u>\$125.00</u>
<u>Bituminous Refuse Disposal Permit</u>	<u>\$275.00</u>
<u>Anthracite Preparation Plant Permit</u>	<u>\$125.00</u>

<u>Bituminous Preparation Plant Permit</u>	<u>\$275.00</u>
<u>Anthracite Underground Mining Permit</u>	<u>\$125.00</u>
<u>Bituminous Underground Mining Permit</u>	<u>\$275.00</u>

<u>(5) Renewal</u>	<u>Fee</u>
<u>Surface Mining Permit</u>	<u>\$50.00</u>
<u>Refuse Reprocessing Permit</u>	<u>\$50.00</u>
<u>Anthracite Refuse Disposal Permit</u>	<u>\$50.00</u>
<u>Bituminous Refuse Disposal Permit</u>	<u>\$175.00</u>
<u>Preparation Plant Permit</u>	<u>\$175.00</u>
<u>Bituminous Underground Mining Permit</u>	<u>\$175.00</u>
<u>Anthracite Underground Mining Permit</u>	<u>\$50.00</u>

<u>(6) Other Actions</u>	<u>Fee</u>
<u>Auger Safety Permit</u>	<u>\$125.00</u>
<u>Bond Liability Revision</u>	<u>\$50.00</u>

(c) [A renewal application, whether the site has not yet been activated or where coal is being extracted, shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.” A renewal application for reclamation activities requires no application fee.] For surface coal mine facilities, coal refuse reprocessing facilities, and coal mining activity facilities, except for bituminous underground mines, all Permit Application Fees collected shall be deposited in the Surface Mining Conservation and Reclamation Fund. Permit Application Fees collected for bituminous underground mines shall be deposited in the Bituminous Mine Subsidence and Land Reclamation Fund. For coal refuse disposal facilities, all Permit Application Fees collected shall be deposited in the Coal Refuse Disposal Control Fund. Permit Application Fees required by this section will be used by the Department to cover its costs to review such applications

(d) [A permit application for coal refuse disposal activities shall be accompanied by a check for \$500 plus \$10 per acre for acreage in excess of 50 acres payable to the “Commonwealth of Pennsylvania.”] The Department will review the adequacy of the Permit Application Fees and Annual Administration Fees established in this section at least once every three years and shall provide a written report to the Environmental Quality Board. The report shall identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it shall contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(f) The Department shall assess an Annual Administration Fee for each permitted activity and facility. For licensed mine operators, this Annual Administration Fee shall be assessed annually and shall be collected as part of the mine operator's license renewal application and shall include an Annual Administration Fee for all of the licensee's permitted facilities. If the permittee is not required to maintain a mining license, then a notice of the Annual Administration Fee will be sent to the permittee for all of the permittee's permitted facilities and the fee must be paid within 30 days of receipt of the notice. All Annual Administration Fees collected shall be deposited in the Surface Mining Conservation and Reclamation Fund to be used by the Department for the administration of the permits. The Annual Administration Fee schedule shall be as follows:

<u>Permit Category-Permit Status</u>	<u>Annual Fee</u>
<u>All Permits-Active</u>	<u>\$400.00</u>
<u>All Permits-Inactive</u>	<u>\$150.00</u>

§ 86.37. Criteria for permit approval or denial.

(a) A permit or revised permit application will not be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of the information in the application or from information otherwise available, which is documented in the approval, and made available to the applicant, that the following apply:

(17) The applicant has paid all fees due under section 86.17.

§ 86.355. Criteria for approval of application.

(a) The Department will not issue, renew or amend the license of any person who mines coal by the surface mining method if, after investigation and an opportunity for an informal conference, it finds one or more of the following:

(5) The applicant has not made full payment of all Annual Administration Fees required under § 86.17 (f).
