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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 25, 2005

Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

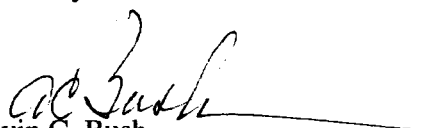
Re: Regulation #7-385 (IRRC #2358)
Environmental Quality Board
Bond Adjustment and Bituminous Mine Subsidence Control Standards

Dear Chairperson McGinty:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,


Alvin C. Bush

Acting Chairman

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Enclosure

cc: Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy
Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and
Energy Committee
Honorable William F. Adolph, Jr., Majority Chairman, House Environmental Resources and
Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and
Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held August 25, 2005

Alvin C. Bush, Acting Chairman
Arthur Coccodrilli
John F. Mizner, Esq., by Phone
Murray Ufberg, Esq.

Regulation No. 7-385
Environmental Quality Board
Bond Adjustment and Bituminous Mine
Subsidence Control Standards

On September 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 86 and 89. The proposed regulation was published in the September 13, 2003 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 1, 2005.


This final-form regulation satisfies conditions set forth by the Federal Office of Surface Mining and Reclamation and Enforcement. Pennsylvania must meet these conditions to maintain primary enforcement authority over coal mining. This regulation amends requirements relating to: the protection and repair of homes, related structures and noncommercial buildings above underground coal mines; the replacement of water supplies affected by underground mining operations; and permit applications for underground mining operations. It also requires the adjustment of bonds posted to ensure the fulfillment of subsidence damage repair obligations and reclamation obligations when the Department of Environmental Protection identifies a change in liability.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. §§ 30.53b, 691.5, 1396.4b and 1406.1 – 1406.21) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Alvin C. Bush, Acting Chairman