

DEBERAH KULA, MEMBER  
PO BOX 202052  
HARRISBURG PA 17120-2052  
PHONE: (717) 772-1858  
FAX: (717) 780-4784  
E-MAIL: dkula@pahouse.net



HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES:

JUDICIARY  
GAME & FISHERIES  
AGING & OLDER ADULT  
SERVICES  
LOCAL GOVERNMENT  
STATE GOVERNMENT

#2557

July 3, 2008

Hon. Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

RECEIVED  
2008 JUL -3 AM 9:51  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

**RE: Regulation # 7-401 IRRC No. 2557: Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites**

Dear Chairman Coccodrilli:

I am a member of the House of Representatives and a legislative appointee to the Mining and Reclamation Advisory Board (MRAB). I write to provide comments regarding the Department of Environmental Protection's (DEP) final-form rulemaking on Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites (No. 2557 Environmental Quality Board #7-401).

I oppose § 86.17(e)(4) of Regulation 7-401, which would allow the DEP to increase the \$100 per acre reclamation fee starting January 1, 2010 in multiples of \$50 for the treatment of post-mining discharge. Specifically, I am opposed to the DEP applying a set dollar increase in the reclamation fee.

The MRAB reviewed the DEP's proposed rulemaking and provided significant input to the proposal to maintain the \$100 reclamation fee until January 1, 2010. Additionally, the MRAB unanimously passed a motion recommending that the DEP proceed with the final rulemaking on the following conditions:

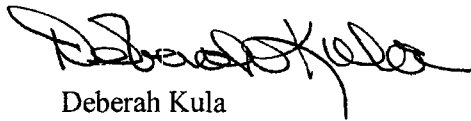
1. The provision that provides for a minimum \$50 reclamation fee be removed.
2. The regulation be amended to specifically include language that if, instead of the reclamation fee, an alternate source of funding to adequately fund the Reclamation Fee O&M Account is established, then the \$100 reclamation fee will not be adjusted up or continue to be collected.

3. The provision that authorizes the DEP to transfer money from the Reclamation Fee O&M Account into the ABS Legacy Account to be modified to limit the DEP's authority to transfer excess funds.

As a member of the MRAB, I support the Board's recommendation that the reclamation fee should be adjusted by the amount needed upon review of the DEP's projected costs for O&M expenditures at ABS Legacy Sites. I do not support §86.17(e)(4) of Regulation 7-401, which would allow DEP to increase the \$100 per acre reclamation fee starting January 1, 2010 in multiples of \$50. For this reason, I oppose Regulation 7-401.

Thank you for the opportunity to submit comments on this important matter.

Sincerely,



Deberah Kula  
State Representative  
52<sup>nd</sup> Legislative District

DLK/tls  
cc: Environmental Quality Board