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#2557

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

July 3, 2008

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

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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 write to express my concern over the content of the Department of Environmental Protection's (DEP) final 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 one hundred dollar (\$100) per acre reclamation fee starting January 1, 2010 in multiples of fifty dollars (\$50) to supplement post-mining discharge treatment at pre full-cost reclamation bonding sites. I do not agree with the proposal to establish a fixed minimum dollar increase of the reclamation fee.

I have been advised by a member of my staff, who serves as an alternate on the Mining and Reclamation Advisory Board (MRAB), that the MRAB reviewed the DEP's proposed rulemaking and provided significant input to the proposal to maintain the one hundred dollar (\$100) reclamation fee until January 1, 2010. Additionally, I was informed that the MRAB unanimously recommended the following:

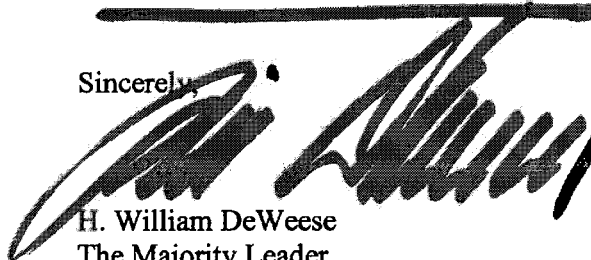
1. **There should be no minimum fifty dollar (\$50) per acre reclamation fee.** Instead, on January 1, 2010 and each fiscal year thereafter, a financial analysis shall be conducted by the DEP and reviewed by the MRAB for its recommendation regarding whether the fee should be continued and if so, at what rate.

2. If an adequate alternative source of funding for the Reclamation Fee O&M Account is established, then the one hundred dollar (\$100) reclamation fee will not be adjusted up or continue to be collected.
3. The DEP may only transfer excess funds in the Reclamation Fee O&M Account into the ABS Legacy Sites Account upon review and recommendation of the MRAB.

I support the recommendation of the MRAB that the 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 the proposal in § 86.17(e)(4) of Regulation 7-401 to have a fixed minimum dollar increase of the reclamation fee. Although I agree that there needs to be a reliable means for funding the treatment of mine drainage, I do not think it is reasonable to subject the coal industry to fixed minimum dollar reclamation fee increases. I believe the regulation is inequitable to the responsible coal mine operators of this Commonwealth who are paying for the sins of their ancestors who worked under different regulations in different times.

Thank you for your consideration of my comments on this important matter. Because of the aforementioned reasons, I urge you to reject Regulation 7-401.

Sincerely,



H. William DeWeese
The Majority Leader
Pennsylvania House of Representatives
50th Legislative District

HWD/tls

cc: Environmental Quality Board