



Pennsylvania Coal Association

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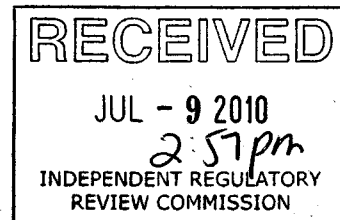
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George L. Ellis
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2850

July 6, 2010



Regulatory Unit Counsel
Department of State
PO Box 2649
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RE: State Board of Crane Operators
49 PA Code Ch. 6
Crane Operators: Initial Rulemaking
[49 Pa.B. 3041]
[Saturday, June 5, 2010]

Dear Members of the Board:

The Pennsylvania Coal Association (PCA) is the principal trade organization representing bituminous coal operators - underground and surface, large and small - as well as other associated companies whose businesses rely on a thriving coal economy. PCA member companies produce over 80 percent of the bituminous coal annually mined in Pennsylvania, which totaled 68 million tons in 2008.

Pennsylvania is the 4th leading coal producing state and its mining industry is a major source of employment and tax revenue. Latest data indicates it created 41,500 direct and indirect jobs with more than \$7 billion in economic input stimulated by the activity of the industry.

PCA submits the following comments in response to the above referenced proposed rulemaking.

§ 6.2. Definitions

The environmental regulation of coal mining is governed under the federal Surface Mining and Conservation Act (SMCRA) and through primacy by the PA Surface

Mining and Conservation Act (SMCRA). As defined in the proposed rulemaking, the definition of "crane" does not include "a crane or drag line used in coal mining operations." In defining "Coal mining or coal mining operations" and "Work of preparing the coal", it is more appropriate to utilize the definitions as defined under PA SMCRA. PCA requests these two definitions be replaced with the definition of coal mining operations as defined in the PA Surface Mining and Conservation Act (SMCRA) 25 PA Code § 86.1. Definitions, as follows:

Coal mining operations—Surface mining activities, underground mining activities, coal preparation activities or coal refuse disposal activities as these terms are defined in 25 PA Code § 86.1.

As information, the activities referenced above are defined in 25 PA Code § 86.1 as follows:

Surface mining activities—Activities whereby coal is extracted from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between the coal or otherwise exposing and retrieving the coal from the surface, including, but not limited to, strip, auger mining, dredging, quarrying and leaching, and surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, slope, shaft, drift and borehole drilling and construction and activities related thereto. The term does not include portions of mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term includes activities in which the land surface has been or is disturbed as a result of, or incidental to, surface mining operations of the operator, including, but not limited to, private ways and roads appurtenant to a surface mining operation, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining activities are situated. The term includes the construction of a road or similar disturbance for any purpose related to a surface mining activity, including that of moving or "walking" a dragline or other equipment, or for the assembly or disassembly or staging of equipment.

Underground mining activities—Includes the following:

(i) Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance and reclamation of roads, aboveground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities, including hoist and ventilating ducts, area used for the disposal and storage of waste and areas on which materials incident to underground mining operations are placed.

(ii) Underground operations such as underground construction, operation and reclamation of shafts, adits, support facilities located underground, in situ processing and underground mining, hauling, storage and blasting.

(iii) Operation of a mine, including preparatory work in connection with the opening and reopening of a mine, backfilling, sealing and other closing procedures, postclosure mine pool maintenance and any other work done on land or water in connection with a mine.

Coal preparation activity—An operation in which coal is subject to chemical or physical processing or cleaning, concentrating or other processing or preparation. The term includes a facility associated with the coal preparation activity and the activity by which the land surface has been or is disturbed as a result of or incidental to coal preparation activity of the operator, including, but not limited to, the following:

- (i) Private ways and roads appurtenant to the area, land excavations and loading facilities.
- (ii) Storage and stockpile facilities.
- (iii) Sheds, shops and other buildings.
- (iv) Water treatment and water storage facilities.
- (v) Settling basins and impoundments.
- (vi) Areas in which are situated facilities, equipment, machines, tools or other materials or property which result from or are used in the coal preparation activity.

Coal refuse disposal activities—Activities whereby a plot of land is used as a place for disposing, dumping or storage of coal refuse. These areas may include land thereby affected, including, but not limited to, a deposit of coal refuse on or buried in the earth and intended as permanent disposal of or long-term storage of the material, but not including coal refuse deposited within an active mine itself or coal refuse never removed from a mine. The term includes activities in which the natural land surface has been disturbed as a result of or incidental to the coal refuse disposal activities of the operator, including, but not limited to, private ways and roads appurtenant to the area, land excavations, workings, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in coal refuse disposal activities are situated.

PCA appreciates the opportunity to comment on this proposed rulemaking. Should you have any questions or comments, I can be reached at 717-233-7900, ext. 24.

Sincerely,

Josie A. Gaskey
Dir., Regulatory and Technical Affairs

CC: George Ellis