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Pennsylvania Mining Professionals



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February 10, 2012

Mr. Thomas Callahan
Bureau of Mining and Reclamation
400 Market Street
Harrisburg, PA 17105

RE : Non Coal Mining Fees

Dear Mr. Callahan,

The Pennsylvania Mining Professionals, are a group of engineers, geologists, surveyors and other scientific professionals involved in the preparation of various permits serving the mining industry. Organized in 1980 we have been working with various regulatory agencies to achieve a balance between the mining industry and protecting the environment of the Commonwealth. We appreciate the opportunity to submit the following comments on the proposed non-coal mining fees.

In light of the meeting which was held at the DEP offices on February 10, 2012 we would like to submit the following additional comments to those already submitted to the department.

Permit Review:

New Permits:

We would like to request that there be a clear and concise definition for the term "water table" as used to determine the "fee" for the permits submitted. We recognize that this probably refers to those permits which will have mining taking place in an environment which requires sustained pumping at given rates, and thus requiring ground water modeling to determine the impacts on the groundwater resources within the zone of influence exerted by the quarry. This

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should NOT apply to those permits which will encounter small perched aquifers which will be mined through and not require extensive modeling during the permitting processes.

It should also be pointed out that most sand and gravel quarry's are conducted below the water table. Historically there is no pumping of the ground water and no interruption to the groundwater system. Therefore, these permits should have the lesser rates applied to their application processes.

We welcome the Department's initiative to streamline the review process as much as possible and look forward to working with the Department to integrate the suggestions which have been made over the years which could drastically reduce the review time. As we have already discussed, all applications are signed by a PE, PLS or PG. As in other programs, the seal should stand to certify the work as it is. Final accountability lies with applicant and the individual who sealed the permit modules should the information be in error. While the review input from the Department is valid in many instances, all too often the reviewers comments create "busy work" which is unnecessary and do nothing to change the environmental or hydrogeological conclusions reached by the applicant.

Major/Minor Amendments:

Again the circumstances of the amendment should be the cost factor, not the hydrological setting of the permit. There are numerous times a major amendment does NOT include any revisions to the hydrologic component of the approved permit. The distinguishing criteria between a major and minor amendment is whether it has to be published or not. Many of those criteria do not include any hydrological revisions which would result in longer review times.

Transfers:

This fee seems excessive as transfers involve ONLY the administrative portion of the permit. There should be no more "review" of a transfer application than that of a Small Non-Coal or general permit.

Other Actions:

Overall these fees appear to be "in line". However, the Blast Plan portion should be clarified to reflect a REVISION to the plan, not in addition to the initial permit fee(s). It also should be clarified that a "pre application" does NOT include informal meetings with the department to discuss a project, but only those instances where a semi-formal submission permit modules is made.

Annual Administration Fee Schedule

The annual administrative fees should be modified to incorporate a "Sliding" scale which would acknowledge several components:

- 1.) Numerous quarries or facilities are permitted adjacent to each other with little or no separation between the operations and hence the individual permits within the working boundaries of the operation(s). These operations are NOT separate inspectable units and share common access roads, monitoring points, E&S Controls etc. The fee associated with these quarries should be modified so that the TOTAL fee for the year is the \$1,450 or \$1,850 for those operations which comply with this scenario.
- 2.) There should be an "intermediate" fee for a small to medium sized operation (>5.0 to <100) acre permit. Operators who do not qualify for a "Small Non Coal" but do not ship more than a few thousand tons per year find these inspection fees to be burdensome.
- 3.) Excessive inspections are made. Many sites are inspected monthly, not quarterly even though there are no "problems" associated with the site. If the inspectors have the "extra" time to make monthly inspections, a review of the work-load for some district offices should be made.

The review time is lengthened by the Department's over reaction to "public" and sister agency comments. While public comments are invited, too much time and money is spent answering and explaining the permit to non-professionals or organizations which are not "local". If the technical data meets the department's regulations, that should be sufficient for permit approval.

Finally, with the initiation of the review fees, it is industry's hope that additional staff can be added to the District Offices to expedite the Non-Coal Permitting Process. Due to retirements and resignations, most District Offices have lost reviewing staff. This has greatly impacted the Non-Coal Industry as the "wait time" for the review and issuance of permits has resulted in abnormally long wait times for reviews to be completed not only on Large Non-Coal permits, but on General Permits, GP 103's etc. This in turn has required industry to seek alternative sources for Highway Contracts resulting in a greater expense to both the applicant, and ultimately, the overall cost of the project. It is our hope that implementation of these fees will permit the department to hire additional individuals to expedite the permitting processes.

We look forward to a continuing dialogue on this and other issues.

Sincerely,

Michal Jones-Stewart

Michal Jones-Stewart
Vice President, PMP

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