

Pennsylvania Mining Professionals



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September 21, 2010

Environmental Quality Board
Rachel Carson State Office Building, 16th Floor,
400 Market Street,
Harrisburg, PA 17101-2301

Dear Board Members,

The Pennsylvania Mining Professionals would like to take this opportunity to comment on the proposed Permit Fees for Non Coal Surface Mines as published in the August 28, 2010 Pennsylvania Bulletin. The Pennsylvania Mining Professionals are a group of engineers, geologists, surveyors and other scientific professionals involved in the preparation of various permits serving the coal and industrial minerals industry and providing a liaison between the regulatory community and 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. Our membership includes consultants as well as industrial mineral and coal producers across the Commonwealth.

While it is recognized that the current permit fee application of \$250.00 probably needs adjusted, to increase the fees by over 100 fold is not only unfair to industry, but also will place a hardship on the industry as a whole.

A.) The Department "Backed" into proposed fees to compensate for their "shortfall". There has been no clear evidence given of the budget for the Industrial Minerals administration and permit reviews other than what the department has generated. An

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external independent audit should be conducted to verify these needs for these and any future fee increases.

B.) Fee's based on salaries are unreasonable. Using \$37.44/hour plus benefits at 40% (or \$53/hour) is for senior level employees. A "weighted" salary should be used which reflects the true salary costs for various tasks. The departmental salary's quoted in the presentations to the stakeholders exceed normal industry salaries for the same tasks.

C.) Time matrix for the completion of tasks is unrealistic. While a handful of permits may in fact take more time to process, overall the projected 300 hours (or a full 8 weeks of man time at 37.5 hours/week) exceeds in many cases the time it took the applicant to complete the entire permit preparation. An informal survey done by PMP members shows that the complete application which includes drilling, logging of holes, map preparation, field collection and analysis of water samples, geology, engineering and reclamation plans range from 200-500 hours for a large industrial minerals permit. The department does NOT have to complete many of these tasks (i.e. map preparation/logging of drill samples/preparation of drill logs etc). Many other tasks are also inflated with review time taking longer than actual preparation times.

D.) Excessive inspections are made. Many sites are inspected monthly, not quarterly. 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 annual "administrative" fee should be eliminated. This is a capricious and arbitrary attempt by the department to generate additional revenue.

E.) The Department "claims" that they have "streamlined" their review process as much as possible. However, numerous suggestions have been made to the department in the past which could drastically reduce the review time. 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 that individual who will be accountable should the information be in error. The department does not seal any portion of the permit during the application process or upon issuance. Countless review comments are generated which are unnecessary and do nothing to change the environmental or Hydrogeological conclusions reached by the applicant. Industry has numerous examples of these "make work" comments. One example is a review letter contained seven (7) comments regarding a 300' barrier. This would lead to the assumption that seven different individuals reviewed the permit. Again, pointing to the inflated "time" the department projects. There should only be three or at the most four individuals who review specific portions of the permit.

Consideration should be given to eliminating a calculation by calculation review of ditches and other E&S controls which are sealed by a PE. The review should be confined to blatant errors spotted, not time consuming personnel "preferences" of any individual reviewer.

F.) The review time is lengthened by the Departments over reaction to “public” comments. It is understood that the department is required to provide the public with the opportunity to comment on pending permits. However, too much time and money is spent answering and explaining the permit to non-professionals. (Perhaps if they were required to pay a “consultation fee” that time would be reduced drastically). If the technical data meets the departments regulations, that should be sufficient for permit approval, not requiring extensive revisions based on public comments of “what if” scenarios.

As we commented above, the \$250 permit fee does need adjusted. However, the Non-Coal Industry should not be required to pick up the “shortfall” caused by the budget. The industry should be on par with the coal fees which have been substantially reduced and reflect a fair increase to that industry.

Respectfully Submitted,

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From: Michal Jones [mjones@eadsgroup.com]
Sent: Wednesday, September 22, 2010 2:35 PM
To: EP, RegComments
Subject: Non-Coal Permitting Fees
Attachments: Permitting Fees 9-21-10.doc

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Attached please find the comments from the Pennsylvania Mining Professionals. We appreciate the opportunity to have our comments reviewed by the board.

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I believe friends are quite angels who lift us to our feet when our wings have trouble remembering how to fly