



MARTIN LIMESTONE, INC.

SUBSIDIARY OF NEW ENTERPRISE STONE & LIME COMPANY, INC.

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September 27, 2010

2864

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

Dear Board members:

As a member of the regulated community I would like to ask the board not to approve the fee increases requested by the Bureau of Mining and Reclamation. I believe these fees are excessive and represent inaccurate calculations leading to wrong conclusions.

While I am willing to admit that an increase to the existing fees may be warranted, I believe the significant increases requested are neither valid nor reasonable, especially in the midst of our current economic climate.

Our company has been forced to manage a 20-30% drop in business related directly to the construction industry over the past 12-24 months. And prospects for a turnaround in the near future are not positive despite what some politicians would have us believe. So in the midst of that, the Bureau of Mining would have us bear this additional burden because the State is unable to balance its budget and support the programs such as environmental protection which we all believe are vital.

I understand that the regulations enable the Department to raise fees which are "reasonable" and support the ongoing permit review and administration process. However, I believe the Department has overstepped the bounds of "reasonable" in this case simply due to a shortage of funds from the General Budget. I'm frustrated that we would be made to pay for that shortfall with no commitment by the politicians to remedy the problem so we aren't forced to endure additional increases again in three years. Do we really believe these fees won't continue to escalate the next time they are reviewed in three years?

With the introduction of the annual administrative fee alone, as proposed by the Department, our annual costs will increase \$24,050 simply to *maintain* our existing permits. Part of the reason is that over the previous 10-15 years, when we've applied for new mining permits, we were simply issued a new, additional permit for the new area. To their credit, Department personnel often advised that approach to improve the permitting process. Now, with the approval of these proposed fee increases, our annual cost jumps from \$0 to \$24,050 per year due to the number of separate permits we have. At the very least, the annual administrative fee should be applied to a *site* and not to each individual permit. For those sites where we now have 3 or 4 separate mining permits, it certainly does not require 7 hours of inspection time per permit. Inspectors at our locations are typically on site for less than 3 or 4 hours to cover all of the permit area. I understand the Bureau used averages to calculate the increases, but, frankly, that argument is not reasonable in light of the substantial additional costs we're facing.

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As for the application fees, I ask the board to consider that a company of our size often uses a Professional Engineer consultant to complete and file a mining permit application. That application process, in order to meet the Bureau's guidelines and often multiple rounds of review comments, typically costs us between \$20-40,000. Now, DEP wants to add another \$22,225 to that cost! My frustration is that the DEP too often seems to duplicate work that we've already paid a certified professional consultant to do and now they use those "300 hours" to justify charging us an exorbitant application fee. I wish you could see the nature of some of the review comments because I believe you would agree that there is unnecessary "work" being done and hours being wasted. I recognize that some of that is simply an effort to assure compliance and protection of the environment. And I don't debate the importance of that. But, please, let's be sure that the hours being applied to a permit review are being used efficiently first before simply deciding that the users can pay for the inefficiencies.

Again, I won't argue that fees may need to be increased to help support the mining programs. However, I simply can not be convinced that the increases need to be of this magnitude before a serious review of the Bureau's own calculations and system efficiencies. That is not too much to ask of our government bureaucrats before being forced to payout tens of thousands of dollars to support their activities.

Thank you for your further consideration of these comments and I urge you to require the Bureau to reexamine this request and to balance any approved fee increase with a substantial review of policies and procedures so that we are not paying for inefficiencies or a duplication of time and effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Stoltzfus". The signature is stylized with a large initial "P" and a long horizontal flourish extending to the right.

Paul Stoltzfus
Environmental Manager

Cooper, Kathy

2864

From: Paul Stoltzfus [pstoltzfus@martinlimestone.com]
Sent: Monday, September 27, 2010 4:39 PM
To: EP, RegComments
Subject: Non-coal fee comment letter
Attachments: Non-coal fee increase comment letter.pdf

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Thank you for your consideration of the attached comments.

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