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September 24, 2018

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Final Rulemaking: Noncoal Mining Program Fees (#7-523)

Dear Mr. Sumner:

Please find enclosed an amended preamble for the final-form Noncoal Mining Program Fees rulemaking currently undergoing review by the Independent Regulatory Review Commission (IRRC). This rulemaking package was initially delivered to IRRC on Friday, September 14, 2018.

In the intervening time, the Environmental Quality Board (Board) was notified of an error in the effective date language included in the preamble of the rulemaking package. The preamble stated that the rulemaking would be effective upon publication in the *Pennsylvania Bulletin* and that the fees included in the rulemaking package would not take effect until January 1, 2020. As written, however, the amendments to the regulation eliminate the existing fee schedule to be replaced by the new fee schedule beginning on January 1, 2020. Deleting the existing fee schedule upon publication of the regulation would eliminate the fee schedule until January 1, 2020.

The Board intends the final-form rulemaking to leave the existing fees in place until January 1, 2020, at which time the fees will begin increasing incrementally pursuant to the schedule outlined in the final-form rulemaking. Amending the preamble to state that the rulemaking will take effect on January 1, 2020, rather than upon publication, remedies the conflicting language and is consistent with the communicated intent of the regulatory amendments.

Please contact me by e-mail at ledinger@pa.gov or by telephone at 717.783.8727 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Laura F. Edinger".

Laura Edinger
Regulatory Coordinator

Enclosure

cc: Honorable Gene Yaw, Majority Chairman, Senate Environmental Resources and Energy Committee
Honorable John T. Yudichak, Minority Chairman, Senate Environmental Resources and Energy Committee
Honorable John A. Maher, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Mike Carroll, Minority Chairman, House Environmental Resources and Energy Committee