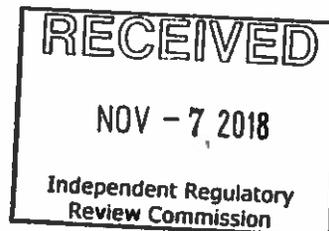


3217

Kathy Cooper

From: ecomment@pa.gov
Sent: Tuesday, November 6, 2018 1:02 PM
To: Environment-Committee@pasenate.com; IRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; ntroutman@pasen.gov
Cc: c-jflanaga@pa.gov
Subject: Comment received - Proposed Rulemaking: Federal Office of Surface Mining Reclamation and Enforcement (OSM) Program Consistency Rule



Re: eComment System

The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Federal Office of Surface Mining Reclamation and Enforcement (OSM) Program Consistency Rule.

Commenter Information:

Duane Feagley
Pennsylvania Anthracite Council (hardcoalorg@paanthracite.com)
P.O. Box 138
Pottsville, PA 17901 US

Comments entered:

November 6, 2018

Pennsylvania Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: Regulation #7-532 (IRRC #3217)

Dear EQB:

I am writing on behalf of Pennsylvania's anthracite mining industry and the more than 3,000 persons who enjoy earning a living from the mining and use of this unique Pennsylvania natural resource. Regarding the DEP's proposal to amend Chapter 88.1 language changing the definition for a haul road in the anthracite region. As proposed the language will now read:

Haul road—Roads that are planned, designed, located, constructed, reconstructed or improved, utilized and maintained for the transportation of equipment, fuel, personnel, coal, spoil and other operating resources from a public road to points within the surface mine or between principal operations on the mine site or both, but not including roads within the pit or on un-reclaimed spoil areas. The term includes public roads that are used as an integral part of the coal mining activity.

While we fully recognize the Department's desire to amend the language of the regulation to mirror that of current Federal SMCRA language, the use of the term "public roads" causes some concern to our industry.

Specifically, we are concerned that the term "public roads" is very broad and could be used to impose additional bonding and other fees on common use public roads that are shared by thousands of other business concerns.

We understand that this is not the intent of the Department and its current staff. However, looking ahead, we are concerned that in the future different leadership within the Department could take a broader view of this regulation and force new and more costly bonding requirements on an already overly burdened industry.

Because of these concerns, we are requesting that the EQB and the Department adopt language in the preamble of the regulation to address these concerns. Specifically, we recommend that the Department consider adding the following language:

"Integral part of the coal mining activity" is intended to address mining activities that normally would not occur on a public road. This would involve any use of the public road by off-road vehicles or equipment that cannot be licensed for on-road use. The length of the public road to be defined as a haul road is limited to the length of the public road used for travel by vehicles or equipment that are an "integral part of the coal mining activity." Any use of a public road by licensed on road vehicles would not be considered an integral part of the coal mining activity unless they exceed legal posted weight limits or otherwise do not meet legal state or local restrictions upon use the public road.

Thank you for your time and attention to our request. Please feel free to call or email if you have any questions or comments.

Sincerely yours,

Duane C. Feagley
Executive Director

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Jessica Shirley

Jessica Shirley
Director, Office of Policy
PA Department of Environmental Protection
Rachel Carson State Office Building
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