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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 7, 2001

Honorable David E. Hess, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Regulation #7-352 (IRRC #2123)
Environmental Quality Board
Coal Refuse Disposal

Dear Chairman Hess:

The Independent Regulatory Review Commission approved your regulation on June 7, 2001.
Our Order is enclosed and is available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce".

Robert E. Nyce
Executive Director

wbg

Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman
House Environmental Resources and Energy Committee
Honorable Camille George, Democratic Chairman
House Environmental Resources and Energy Committee
Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman
Senate Environmental Resources and Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held June 7, 2001

John R. McGinley, Jr., Chairman, by Proxy
Alvin C. Bush, Vice Chairman, by Phone
Arthur Coccodrilli
Robert J. Harbison, III, Acting Chairman
John F. Mizner

Regulation No. 7-352
Environmental Quality Board
Coal Refuse Disposal

On May 31, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 88 and 90. The proposed regulation was published in the June 17, 2000, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on May 8, 2001.


This rulemaking incorporates changes to the Coal Refuse Disposal Control Act as amended by Act 114 of 1994. The regulation encourages the use and reclamation of sites that were previously impacted by mining. It adds criteria for buffer zone variances, surface water protection systems, and requirements relating to experimental practices.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. §§ 30.53b and 1396.4b(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Robert J. Harbison, III, Acting Chairman