

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Environmental Protection		RECEIVED 2002 APR 23 PM 12:05 REGULATORY REVIEW COMMISSION IRRC Number: <u>2269</u>
(2) I.D. Number (Governor's Office Use) 7-376		
(3) Short Title Coal Mining Amendments (Chapter 86)		
(4) PA Code Cite 25 Pa. Code Chapter 86	(5) Agency Contacts & Telephone Numbers Primary Contact: Sharon F. Trostle, 783-1303 Secondary Contact: John T. Hines, 783-1303	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. This rulemaking will add a new section to Chapter 86 that will exclude the extraction of coal incidental to government-financed construction and reclamation from the requirements of the coal mining regulations.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. Authority for the regulation is Section 3, the definition of surface mining activities, and Section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.3 and 1396.4b(a)) and Section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20).		

Regulatory Analysis Form

- (10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The regulation is not mandated by federal or state law, court order or federal regulation.

- (11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Proposed Section 86.6 is needed so that government-financed highway construction and reclamation involving the incidental extraction of coal are not regulated as coal mining activities in addition to the other environmental approvals typically required for such activities.

- (12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

Not applicable.

- (13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The benefits of this rulemaking will be realized by PennDOT and local governments proposing highway construction projects that involve the incidental extraction of coal. The Commonwealth will also benefit because proposed Section 86.6 will allow coal extraction incidental to government-financed reclamation projects in areas unsuitable for mining.

Regulatory Analysis Form

- (14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

The proposed amendment is not expected to result in any adverse impacts to the mining industry and the public.

- (15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The rulemaking places no additional requirements on persons, groups or entities.

- (16) Describe the communications with and inputs from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The proposed amendment was presented to the Mining and Reclamation Advisory Board (MRAB) on October 25, 2001. The amendment was discussed in detail with the MRAB's Regulatory, Legislative and Technical Committee on November 14, 2001.

- (17) Provide a specific estimate of the cost and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The rulemaking will impose no costs and provide no savings to the regulated community.

Proposed 86.6 has no relevance to mine operators.

Regulatory Analysis Form

- (18) Provide a specific estimate of the cost and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Theoretically, there would be a savings. Under our current regulations, local governments that would undertake highway construction projects that involve the incidental extraction of coal would have to obtain a surface mining license and surface mining permit. They would also be prohibited from extracting coal if the highway construction project was in an area designated unsuitable for mining, which means that they would have to reroute their highway to avoid the coal. What actually happens is that the District Mining Offices merely advise them on how to avoid pollution when they remove the coal.

- (19) Provide a specific estimate of the cost and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

Theoretically, there would be a savings. Under our current regulations, PennDOT highway construction projects that involve the incidental extraction of coal would have to obtain a surface mining license and surface mining permit. They would also be prohibited from extracting coal if the highway construction project was in an area designated unsuitable for mining, which means that they would have to reroute their highway to avoid the coal.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Governments	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:*						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Governments	0	0	0	0	0	0
Total Cost	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Governments	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

Not quantifiable.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
Coal Mining				
Federal OSM	\$10,396,000	\$10,911,000	\$10,400,000	\$10,604,000
State Matching Expenditures	\$12,148,000	\$12,694,000	\$10,400,000	\$10,604,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and cost.

No additional costs are anticipated as a result of this rulemaking.

(22) Describe the nonregulatory alternative considered and the cost associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives were not considered.

(23) Describe alternative regulatory schemes considered and the cost associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

Regulatory Analysis Form

- (24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The proposed amendment is no more stringent than the corresponding federal regulation.

- (25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

States that mine coal must maintain a coal mining regulatory program that conforms with federal requirements. As a result, the proposed amendment is no more stringent than that of other states and will not put Pennsylvania at a competitive disadvantage.

- (26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed rulemaking amends existing Department regulations. It will not affect existing or proposed regulations of other state agencies.

- (27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No public hearings or informational meetings are proposed.

Regulatory Analysis Form

- (28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The proposed rulemaking will not change existing paperwork requirements.

- (29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions are needed.

- (30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The proposed amendment will become effective when published in the Pennsylvania Bulletin as final rulemaking. Publication of the final rule is expected to occur in calendar year 2003. No new permits, licenses or other approvals will be required.

- (31) Provide the schedule for continual review of the regulation.

The regulations will be reviewed in accordance with the Sunset Review Schedule published by the Department.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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LEGISLATIVE REFERENCE BUREAU
REGULATORY
REVIEW COMMISSION

2269

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

Christina L. O'Connell
DEPUTY ATTORNEY GENERAL

APR 11 2002

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-376

DATE OF ADOPTION: _____

BY: *David E. Hess*

TITLE: DAVID E. HESS, CHAIRMAN
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or Independent
Agency

BY: *B. Keith Roy*

3/25/02

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

NOTICE OF
PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

COAL MINING AMENDMENTS (CHAPTER 86)

25 Pa. Code Chapter 86

**Notice of Proposed Rulemaking
Department of Environmental Protection
Environmental Quality Board
25 Pa. Code Chapter 86
Coal Mining**

Preamble

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground mining: general) to read as set forth in Annex A. The proposed amendment addresses the extraction of coal incidental to government-financed highway construction or reclamation projects.

This proposal was adopted by the Board at its meeting of March 19, 2002.

A. Effective Date

The proposed amendment will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information contact J. Scott Roberts, Director, Bureau of Mining and Reclamation, P.O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103, or Bo Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The amendment is proposed under the authority of Section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P.S. § 1396.4b(a)) and Section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

D. Background and Purpose

This rulemaking amends Chapter 86, Surface and Underground Mining: General. The amendment proposes to add new section § 86.6 to exclude the extraction of coal incidental to government-financed highway construction or government-financed reclamation projects from the requirements of 25 Pa. Code Chapters 86 (relating to surface and underground mining: general), 87 (relating to surface mining of coal), and 88 (relating to anthracite coal). Section 3.1 of SMCRA (52 P.S. § 1396.3) provides, among other things, that "surface mining activities" do not include the extraction of coal or coal refuse removal pursuant to a government-financed reclamation contract, or the extraction of coal as an incidental part of Federal, State, or local government-financed highway construction pursuant to regulations promulgated by the Board. Since the Department never saw the need for such regulations, none were ever proposed for promulgation by the Board.

Recently, the Department received a request from the Pennsylvania Department of Transportation (PennDOT) to amend Chapter 86 to exclude coal extraction on government-financed highway construction projects from regulation under the coal mining regulations. PennDOT's specific concern is the proposed realignment and reconstruction of US Route 322 in Centre County, which will involve the excavation of coal-bearing strata in two areas that have been designated unsuitable for mining -- Cold Stream Run (UFM Petition 14829901) and Black Bear Run (UFM Petition 14829902) (25 Pa. Code § 86.130(b)(2) and (4)). Given this request, the General Assembly's mandate as set forth in SMCRA, and the Board's statutory authority, the Department proposes to exclude coal extraction, from government-financed highway construction and government-financed reclamation projects, from the requirements of Chapters 86-88.

While the extraction of coal as an incidental part of federal, state or local government financed highway construction is proposed to no longer be subject to the requirements of Chapters 86-88, any potential environmental impacts from highway construction are still regulated under both federal and state law. Virtually all PennDOT highway construction projects are funded, at least in part, by federal tax dollars. Because of this federal funding, PennDOT's projects must comply with the requirements of the National Environmental Policy Act of 1970 (NEPA) 42 U.S.C. § 4321-4370(e). The NEPA procedural requirements are very thorough and can take as long as 2 to 3 years to complete for a highway project. In general, this process requires notice to all potentially affected parties, a preliminary interagency "scoping" meeting to identify areas of concern, an environmental analysis, a determination of whether the project will have any significant environmental impacts, notice and opportunity to comment on that determination, and the agency responses to those comments.

In addition, whether the project is partially funded by federal tax dollars or is 100% state funded, PennDOT must comply with Act 120 which requires it to "consult with appropriate officials as designated by the chief administrative officer of the . . . Department of Environmental [Protection] . . . regarding the environmental hazards . . . conservation . . . recreation and social considerations that may arise by reason of the location, design, construction or reconstruction of any transportation or air facility" (71 P.S. § 512(e)(15)).

Act 120 also requires PennDOT to follow the federally mandated hearing procedures under Titles 23 and 49 of the United States Code in acquiring a new right-of-way even if no federal funds are involved. At these hearings, PennDOT must consider the impact of the proposed project on air, erosion, wildlife, the general ecology, noise, air and water pollution, and historic landmarks. PennDOT may not proceed with the project unless it makes a written finding in the *Pennsylvania Bulletin* that there is no significant impact on the listed environmental elements or that there is no prudent alternative.

Given the procedural requirements under NEPA and Act 120, the Department believes that it will receive adequate notice and opportunity to comment on any highway project that may impact the environmental resources of a particular area. In turn, the Department will recommend ways to protect those resources. Moreover, all federal, state and local government-financed highway projects are not exempt from other Department permitting requirements like those under 25 Pa. Code Chapters 92 (related to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), 102 (relating to Erosion and Sediment Control) and 105 (relating to Dam Safety and Waterway Management).

The proposed § 86.6 also restates the SMCRA exemption for coal extraction incidental to government-financed reclamation. This provision is included in § 86.6 so that it more closely parallels the exemptions in SMCRA. Moreover, these exclusions are consistent with the federal Office of Surface Mining, Reclamation and Enforcement (OSM) regulations at 30 CFR Part 707.

The proposed regulatory change was reviewed and discussed at the October 25, 2001, Mining and Reclamation Advisory Board (MRAB), but was referred to the MRAB's Regulatory, Legislative and Technical Committee for further consideration. Several MRAB members expressed concern that the unique resources, which led to areas being designated unsuitable for mining, won't be adequately protected. The Committee met on November 19, 2001, and unanimously voted to recommend approval of the proposal to the MRAB with the understanding that the Department will establish internal notification procedures to protect the unique resources in areas designated unsuitable for mining. On January 3, 2002, the MRAB supported this position.

E. Summary of Regulatory Requirements

§ 86.6. Extraction of coal incidental to government-financed highway construction or reclamation.

This new section excludes the extraction of coal incidental to government-financed highway construction and government-financed reclamation projects from the regulatory requirements of Chapters 86 – 88. The statutory basis for exempting these activities is found in SMCRA section 3, under the definition of surface mining activities. The exemption for these activities is also consistent with OSM regulations at 30 CFR Part 707. The proposed section contains criteria and standards for qualifying for the exemptions that are taken from the corresponding federal regulation, 30 CFR Part 707, and, therefore, is no more stringent than the federal law.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

Government entities located in Pennsylvania's coal fields that are proposing highway construction or reclamation projects will benefit from the addition of § 86.6. These entities will be able to avoid the additional cost and time involved in complying with the coal mining regulations in order to remove coal as part of the project. Furthermore, in situations where a government-financed highway construction project or reclamation project will affect an area designated unsuitable for mining, as in the example described in Section D of this Preamble, the designation will not automatically prohibit excavation or removal of coal or coal refuse. The Department and Commonwealth may also benefit through additional reclamation of abandoned mine lands if government-financed reclamation contracts involving the necessary and incidental removal of coal and coal refuse can occur in areas designated unsuitable for mining.

Compliance Costs

The proposed change will impose no additional compliance costs on the coal mining industry, government entities or the public.

Compliance Assistance Plan

The Department will provide written notification of the change to PennDOT, the Turnpike Commission and local governments.

Paperwork Requirements

The proposed amendments will not result in the need for additional forms, reports or other paperwork.

G. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 23, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed amendment, to which an objection is made. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly to review these objections prior to publication of the final-form regulations.

I. Public Comments

Written Comments - Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections by June 18, 2002 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 18, 2002. The one-page summary will be provided to

each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments - Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by June 18, 2002. A subject heading of the proposal and a return name and address must be included in each transmission.

BY:

DAVID E. HESS
Chairman
Environmental Quality Board

ANNEX A

CHAPTER 86. SURFACE AND UNDERGROUND COAL
MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

Sec.

86.1. Definitions.

86.2. Scope.

86.3. Use of Coal Refuse Disposal Control Fund.

86.5. Extraction of coal incidental to noncoal surface mining.

86.6. Extraction of coal incidental to government-financed highway construction or reclamation projects.

§ 86.6. Extraction of coal incidental to government-financed highway construction or reclamation projects.

(a) Extraction of coal incidental to government-financed highway construction or government-financed reclamation projects is exempt from the provisions of the Act and this Chapter as it relates to surface mining activities and operations, and Chapter 87 (relating to surface mining of coal) and Chapter 88 (relating to anthracite coal) if:

(1) The extraction of coal is necessary to enable the construction or reclamation to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, or within the boundaries of the area directly affected by government-financed reclamation, may be considered incidental to that construction or reclamation.

(2) The construction or reclamation is funded by a federal, Commonwealth, county, municipal, or local unit of government, or a department, bureau, agency, or office of the unit which, directly or through another unit of government, finances the construction or reclamation.

(3) The construction or reclamation is funded 50 percent or more by funds appropriated from the government unit's budget or obtained from general revenue bonds. Funding at less than 50 percent may qualify if the construction is undertaken as a Department-approved reclamation contract or project.

(b) Highway construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent or in-kind payments does not qualify as government-financed construction.

(c) A person extracting coal incidental to government-financed highway construction or reclamation who extracts more than 250 tons of coal or affects more than 2 acres shall maintain on the site of the extraction operation and make available for inspection the following:

(1) A description of the construction or reclamation project.

(2) The exact location of the construction or reclamation, right-of-way or the boundaries of the area which will be directly affected by the construction or reclamation.

(3) The government agency that is providing the financing and the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

April 23, 2002

The Secretary

Phone: 717-787-2814

E-Mail: DavidHess@state.pa.us

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking: Chapter 86 – Coal Mining Amendments (#7-376)

Dear Bob:

Enclosed is a copy of a proposed regulation for review and comment by the Commission pursuant to Section 5(a) of the Regulatory Review Act. This proposal is scheduled for publication as a proposed rulemaking in the *Pennsylvania Bulletin* on May 4, 2002, with a 45-day public comment period. This proposal was approved by the Environmental Quality Board (EQB) on March 19, 2002.

This proposal adds new § 86.6 to exclude from the requirements of Chapters 86-88 the extraction of coal that occurs during government-financed highway construction or government-financed reclamation projects. This change parallels the exemptions in the Surface Mining Conservation and Reclamation Act (SMCRA) and is consistent with corresponding federal regulations. PennDOT has requested the amendment to address highway realignment and reconstruction projects. A proposed PennDOT highway project in Centre County will involve extraction of coal-bearing strata in two areas that are designated as unsuitable for mining (UFM).

DEP is proposing this amendment because it receives adequate notification when this type of activity is planned. Environmental impacts from highway construction are regulated under both federal law (National Environmental Policy Act) and state law (Act 120). Act 120 requires that PennDOT consult with DEP regarding potential environmental impact. Moreover, all federal, state and local government-financed highway projects must comply with other DEP permitting requirements such as Chapters 92 (NPDES), 102 (erosion and sediment control) and 105 (dams, waterways and wetlands).

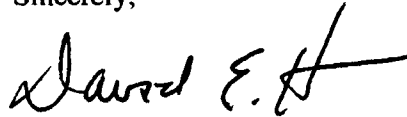
The Mining and Reclamation Advisory Board (MRAB) reviewed this proposal at its October 25, 2001 meeting, but deferred it to its Regulation, Legislation and Technical Committee for further deliberation based on concerns that the unique resources in UFM areas will not be adequately protected through DEP's normal permitting activities. The Committee

met on November 19, 2001, and later recommended that the MRAB support the proposal with the stipulation that DEP establish internal notification procedures to protect the unique resources in areas designated as unsuitable for mining. DEP is addressing this concern by creating a GIS layer in eFACTS Spatial, which is a mapping application that displays DEP permitting information on an Internet map server. The layer will show the geographic extent of the UFM areas and identify the sensitive environmental resources that led to the designation of those areas as unsuitable for mining. The MRAB endorsed the proposal on January 3, 2002.

The Department will provide the Commission with any assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Act provides that the Commission may, within ten days after the expiration of the Committee review period, notify the agency of any objections to the proposed regulation. The Department will consider any comments or suggestions received by the Commission, together with Committee and other public comments prior to final adoption.

For additional information, please contact Sharon Trostle, Regulatory Coordinator, at 787-4526.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Hess". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David E. Hess
Secretary

Enclosures

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

2002 APR 23 PM 12:05

INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 7-376
SUBJECT: Coal Mining Amendments
AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4-23-02	<i>Cindy Zeman</i>	HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
4/23/02	<i>Patricia A. Carnathan</i>	SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
4/23/02	<i>Dr. Mellett</i>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL
4/23/02	<i>Michael B. Berman</i>	LEGISLATIVE REFERENCE BUREAU

April 12, 2002