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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 28, 2011

Honorable Michael Krancer, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Regulation #7-458 (IRRC #2842)
Environmental Quality Board
Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remining
Financial Guarantees

Dear Chairman Krancer:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

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

Sincerely,

Silvan B. Lutkewitte
Chairman
wbg
Enclosure

cc: Honorable Mary Jo White, Majority Chairman, Senate Environmental Resources and Energy Committee
Honorable John Yudichak, Minority Chairman, Senate Environmental Resources and Energy Committee
Honorable Scott E. Hutchinson, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Camille George, Minority Chairman, House Environmental Resources and Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held April 28, 2011

Silvan B. Lutkewitte, III, Chairman
George D. Bedwick, Vice Chairman
Arthur Coccodrilli
John F. Mizner, Esq., Dissenting
Lawrence J. Tabas, Esq., Dissenting

Regulation No. 7-458 (#2842)
Environmental Quality Board
Incidental Coal Extraction, Bonding,
Enforcement, Sediment Control and Remining
Financial Guarantees

On April 21, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 86, 87, 88, 89 and 90. The proposed regulation was published in the May 1, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 23, 2010, and then resubmitted again on February 28, 2011, at the conclusion of *sine die* adjournment.

This final-form rulemaking amends the Coal Mining Program to address regulatory program deficiencies identified by the Federal Office of Surface Mining Reclamation and Enforcement. It also amends the Remining Financial Guarantee Program regulations to reflect changes to the bonding systems.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. § 691.5, and 52 P.S §§ 30.53b, 1396.4(a) and 1396.4(b)) 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.



A handwritten signature in black ink, appearing to read "Silvan B. Lutkewitte, III". The signature is written in a cursive, flowing style.

Silvan B. Lutkewitte, III, Chairman