



COALEX STATE COMPARISON REPORT - 221

July 1992

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Department of Environment and Conservation
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TOPIC: NPDES PROCESSING FEES FOR SURFACE COAL MINES

INQUIRY: Tennessee is instituting a new permit fee program for processing NPDES permits which includes an initial processing fee, depending on the length of the permit, plus an annual maintenance fee. The goal is to create a self-supporting program. What do other states charge for NPDES permit processing?

SEARCH RESULTS: Eight IMCC member states were contacted, including Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Virginia and West Virginia. The results of the telephone survey are summarized below; a table of the responses is attached.

QUESTIONNAIRE

1. What is the fee for processing an NPDES application?
 - a. Charge no fee: Illinois, Virginia (fee is incorporated into the mining application fee)
 - b. Charge flat fee: Ohio, Pennsylvania, West Virginia
 - c. Charge prorated fee, depending on certain criteria (e.g., mine acreage, # discharges, flow, etc.): Indiana, Kentucky, Maryland

2. What is the renewal fee?
 - a. Kentucky, Ohio and Pennsylvania charge the same to renew an NPDES permit as they charge for initial application processing.
 - b. West Virginia charges as lower fee to renew (\$ 500 for initial application; \$ 100 to renew).

3. For how long are the NPDES permits issued?



- a. Generally, the permits are issued for 5 years.
 - b. Virginia may issued a permit for less than 5 years if special conditions exist.
 - c. West Virginia coordinates the expiration date of the NPDES permit with that of the surface mining permit.
4. Is there an annual maintenance fee?
- a. Only Maryland has an annual fee.
5. Do any states make the processing of NPDES permits a self-supporting program?
- a. Maryland: They are considering making the program self-sufficient; possibly issuing general permits for reclaimed lands and conducting site inspections for new applications.
 - b. Pennsylvania: A bill to increase permit fees in an effort to make the programs self-sufficient died last year in the state legislature. The legislators felt the fees were unreasonably high.
6. Additional information
New U.S. Environmental Protection Agency regulations are expected which will give the states the authority to charge fees based on size of the mining operation or the expected rate of discharge.

ATTACHMENTS

Table of Responses to the Survey

Survey conducted by: Joyce Zweben Scall

NPDES PROCESSING FEES FOR SURFACE COAL MINES

| STATE | INITIAL PROCESSING FEE (RENEWAL) | NO. OF YEARS | ANNUAL MAINT. FEE | COMMENTS |
|----------|---|--------------|-------------------|-------------------------------------|
| ILLINOIS | No fee | 5 years | No fee | Permits are issued by Illinois EPA. |
| INDIANA | \$150/application; includes certain no. outfalls; | 5 years | No fee | Permits are issued by Indiana Dept. |



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| | \$50 per each addtl outfall | | | of Environ. Management. |
| KENTUCKY | No fee if is general permit, \$ 1200 for individual permit (\$1200/ renew); \$2100 or \$3200 for coal wash plants, depending on flow per day | 5 years | No fee | 20% of the fee is paid when the initial application is filed; the fee is based on the applicant's category: general permit/individual permit; processing/non-processing; minor/major. Permits are issued by the Div. of Water. |
| MARYLAND | \$125 (min), \$375 (aver), \$500 (max) | 5 years | \$500, \$50 after reclam. | Fee is based on projected discharges, prorated according to expected volume. "Typical" mine of 100-500 acres pays \$375 processing fee. Permits are issued by Maryland Dept. of Environment. Considering making processing self-sufficient; may issue "general permit" for reclaimed mines. |
| OHIO | \$15/application, \$250/process, \$250/PTI for new mines (\$250+ \$15 to renew) | 5 years | No fee | Permits are issued by the Ohio EPA. |
| PPENNSYLVANIA | \$250 (\$250/renewal) | 5 years | No fee | Attempt to increase permit fees to make |



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| | | | | processing self-sufficient died in legislature last year. |
| VIRGINIA | No separate fee: included as part of mining permit fees | 5 years | No separate fee | NPDES permits are issued under a cooperative agreement with the State Water Control Board. |
| WEST VIRGINIA | \$500 (\$100/renewal) | 5 years | No fee | Permits are issued by Office of Water Resources which tries to coordinate expiration date of NPDES permit with that of mining permit. In the future, non-coal NPDES rates may be based on expected discharge flow rates. |