

PADEP to Rescind and Revise Water Supply Replacement Technical Guidance Documents Due to Changes to Coal and Noncoal Regulations

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In a February 25, 2025, Mining and Reclamation Advisory Board and Aggregate Advisory Board Joint Regulation, Legislation, and Technical Committee Meeting, the Pennsylvania Department of Environmental Protection (PADEP) presented its plans to rescind two technical guidance documents (TGDs) and revise two others due to the TGDs being inaccurate and out of date after changes to Pennsylvania's coal regulations and noncoal regulations. See [PowerPoint Presentation](#), PADEP, "Water Supply Replacement TGDs" (Feb. 25, 2025).

PADEP plans to rescind its Water Supply Replacement and Permitting TGD (TGD 562-4000-101) but to convert some of its sections into standard operating procedures. PADEP also plans to rescind the Insurance Requirements and Water Supply Replacement Assurance TGD (TGD 562-2500-702) due to its inaccuracy following PADEP's 2023 revisions to 25 Pa. Code ch. 77 regarding liability insurance rates. Any information still needed from the WSR and Permitting TGD and the Insurance Requirements and Water Supply Replacement Assurance TGD will be incorporated into a revised Water Supply Replacement and Compliance TGD (TGD 563-2112-605).

PADEP plans to make minor revisions to its Increased Operation and Maintenance Costs of Replacement Water Supplies (on All Coal and Surface Noncoal Sites) TGD (TGD 562-4000-102). PADEP will also revise its Water Supply Replacement and Compliance TGD (TGD 563-2112-605), which PADEP will rename as Water Supply Replacement, Permitting, and Compliance. In the revised TGD, PADEP will incorporate background information from the rescinded Water Supply Replacement and Permitting TGD (TGD 562-4000-101), remove requirements that are now in regulations, remove attached forms, and include relevant information from the rescinded Insurance Requirements and Water Supply Replacement Assurance TGD (TGD 562-2500-702). PADEP also announced its intention to remove statements regarding de minimis maintenance or treatment costs, which are no longer addressed in 25 Pa. Code chs. 87 and 88.

PADEP expects the revised TGDs to be published for public comment in fall 2025. PADEP's mining TGDs are available [here](#).

PADEP Announces Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations and Bond Schedule for Noncoal Mining Operations

The Pennsylvania Department of Environmental Protection (PADEP), on March 22, 2025, announced the 2025 land reclamation bond rate guidelines for coal mining operations, and on March 29, 2025, announced the land reclamation bond schedule for noncoal mining operations. The coal mining operations bond rate guidelines became effective on April 1, 2025, and are available at 55 Pa. Bull. 2392 (Mar. 22, 2025). The noncoal mining operations bond schedule became effective March 29, 2025, and is available at 55 Pa. Bull. 2576 (Mar. 29, 2025).

PADEP Announces Rates to Be Used for Calculating Long-Term Operation and Maintenance Bonds for Water Supply Replacement

On February 15, 2025, the Pennsylvania Department of Environmental Protection (PADEP) announced that the inflation rate for calculating anthracite and bituminous coal and industrial mineral mining water supply operation and maintenance bond amounts for replacement water supplies will be 3.80% and the interest rate for the 20-year

Treasury bill will be 3.08%. 55 Pa. Bull. 1603 (Feb. 15, 2025). The rates became effective on April 1, 2025, and will be in effect until the new rates are published in February 2026.

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