



July 11, 2016

PA Department of Environmental Protection
Policy Office, Technical Guidance Coordinator
Rachel Carson State Office Building,
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Technical Guidance Coordinator:

I am writing regarding the PA Department of Environmental Protection's draft Technical Guidance Document (TGD), *DEP ID: 563-2000-001*, titled Government-Financed Construction Contracts (GFCCs).

The Pennsylvania Coal Alliance (PCA) is the principal trade organization representing underground and surface bituminous coal operators in Pennsylvania, as well as other associated companies whose businesses rely on coal mining and a strong coal economy. PCA member companies produce almost 90 percent of the bituminous coal mined annually in Pennsylvania, which is the fourth largest coal producing state in the nation.

GFCCs encourage Abandoned Mine Land Reclamation and, as such, are a contract for reclamation and not for mining. On page 5 of the proposed TGD, the barrier provision of Section 4.2(a) of the PA Surface Mining Conservation and Reclamation Act (SMCRA) is included in the draft TGD, which can be interpreted as discouraging reclamation. While we recognize that the Office of Surface Mining Reclamation and Enforcement's approval of Pennsylvania's GFCC program was contingent on the inclusion of this barrier provision, we ask that reference to that contingency be included in the TGD.

Further, the Department may grant a variance to the restrictions in Section 4.2 of PA SMCRA, yet the only reference to a variance in the draft TGD is in the Sample Newspaper Notice in Appendix B. We encourage the Department to include language outlining the process for requesting a variance.

Lastly, on page 7 of the draft TGD, subsection (1) details the "Review Process" but does not provide a time frame for completing the review. PCA encourages the Department to include a reasonable review time that ensures the proposal is considered expeditiously as possible.

PCA appreciates your time and consideration of this request. If you have any questions or would like to discuss further, please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Rachel Gleason".

Rachel Gleason
Executive Director
PA Coal Alliance