

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2349 Session of
1986

INTRODUCED BY GREENWOOD, TRELLO, STEIGHNER, McCALL, STABACK,
RICHARDSON AND CLYMER, APRIL 14, 1986

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
APRIL 14, 1986

AN ACT

1 Amending the act of December 19, 1984 (P.L.1093, No.219),
2 entitled "An act relating to noncoal surface mining
3 conservation and reclamation," further providing for the
4 protection of water supplies.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 8(b)(1) of the act of December 19, 1984
8 (P.L.1093, No.219), known as the Noncoal Surface Mining
9 Conservation and Reclamation Act, is amended by to read:

10 Section 8. Permit approval or denial.

11 * * *

12 (b) Other grounds for refusal to issue, renew or amend
13 permit.--

14 (1) The department shall not issue any surface mining
15 permit or renew or amend any permit if it finds, after
16 investigation and an opportunity for an informal hearing,
17 that:

18 (i) the applicant has failed and continues to fail

1 to comply with any of the provisions of this act or the
2 act of May 31, 1945 (P.L.1198, No.418), known as the
3 Surface Mining Conservation and Reclamation Act; or

4 (ii) the applicant has shown a lack of ability or
5 intention to comply with any provision of this act or the
6 Surface Mining Conservation and Reclamation Act, as
7 indicated by past or continuing violations[.]; or

8 (iii) there is significant evidence and concern that
9 surface or groundwater contamination could result from
10 the disturbance of ground contaminated with hazardous
11 substances from previous activities at the site.

12 Any person, partnership, association or corporation that has
13 engaged in unlawful conduct, as defined in section 23, or
14 that has a partner, associate, officer, parent corporation,
15 subsidiary corporation, contractor or subcontractor that has
16 engaged in such unlawful conduct shall be denied any permit
17 required by this act unless the permit application
18 demonstrates that the unlawful conduct is being corrected to
19 the satisfaction of the department.

20 * * *

21 Section 2. This act shall take effect in 60 days.