
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 875 Session of
2015

INTRODUCED BY BARTOLOTTA, WHITE, VULAKOVICH, YAW, WAGNER,
ARGALL, SCARNATI, VOGEL, YUDICHAK, STEFANO, MENSCH,
HUTCHINSON, ALLOWAY, COSTA AND WARD, JUNE 4, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 22, 2015

AN ACT

1 Providing for the use of treated mine water for oil and gas
2 development.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Treated Mine
7 Water Act.

8 Section 2. Findings and declarations.

9 The General Assembly finds and declares as follows:

10 (1) The oil and gas industry needs reliable sources of
11 water to drill, complete and hydraulically fracture
12 conventional and unconventional oil and gas wells.

13 (2) An acceptable source of water for oil and gas
14 development is treated mine water from coal mines.

15 (3) Treated coal mine water can be effectively
16 substituted for fresh water for oil and gas well development,

1 which conserves sources of fresh water.

2 (4) The purpose of this act is to protect a mine
3 operator who provides treated mine water for the development
4 of an oil or gas well from liability for the offsite use of
5 treated mine water and to protect persons who use treated
6 mine water to develop oil and gas wells from liability for
7 the treatment or abatement of mine drainage or mine pool
8 water.

9 (5) TREATED MINE WATER AND MINE DRAINAGE ARE NOT <--
10 RESIDUAL WASTE OR SOLID WASTE FOR THE PURPOSES OF THE ACT OF
11 JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE
12 MANAGEMENT ACT.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Department." The Department of Environmental Protection of
18 the Commonwealth.

19 "Mine drainage" or "mine pool water." Water contained in a
20 mine pool or a surface discharge of water caused by mining
21 activity.

22 "Mine operator." The permittee of an active or closed coal
23 mine that treats mine drainage or mine pool water under a permit
24 issued by the department.

25 "Oil or gas well development." The drilling, completion,
26 hydraulic fracturing or other development of a conventional or
27 unconventional oil or gas well.

28 "Treated mine water." Water from an active or closed coal
29 mine that is treated by a mine operator under a permit issued by
30 the department.

1 Section 4. Liability.

2 (a) Immunity.--A mine operator who provides treated mine
3 water from a permitted mining activity site shall be immune from
4 liability for any cost, injury or damage arising out of the use
5 of the treated mine water if all of the following apply:

6 (1) The treated mine water is for use outside the
7 boundaries of the permitted mining activity site.

8 (2) The treated mine water is for oil or gas well
9 development.

10 (3) The mine operator is not the same person using the
11 treated mine water for oil or gas well development.

12 (b) Acquisition.--A person who acquires treated mine water
13 from a mine operator for use in oil or gas well development
14 shall be immune from liability for the treatment or abatement of
15 the mine drainage or mine pool water as a result of acquiring or
16 using treated mine water.

17 (c) Limitation.--Nothing under this act shall limit the
18 liability of a person for unlawful spills or releases of treated
19 mine water caused by the person. Except as provided under
20 subsections (a) and (b), nothing under this act shall relieve a
21 mine operator or a person who acquires treated mine water for
22 use in oil or gas well development from the mine operator's or
23 person's obligations under law.

24 Section 5. Solid waste.

25 Treated mine water that meets the effluent limits of the
26 National Pollutant Discharge Elimination System permit for the
27 source mine and is being used in an oil or gas development
28 project shall not be considered a solid waste as defined in
29 section 103 of the act of July 7, 1980 (P.L.380, No.97), known
30 as the Solid Waste Management Act.

1 Section 6. Effective date.

2 This act shall take effect in 60 days.