

**COAL REFUSE DISPOSAL CONTROL ACT - OMNIBUS AMENDMENTS**

**Act of Dec. 7, 1994, P.L. 808, No. 114**

**Cl. 52**

Session of 1994

No. 1994-114

HB 1075

AN ACT

Amending the act of September 24, 1968 (P.L.1040, No.318), entitled, as amended, "An act providing for the protection of the safety, health and welfare of the people, property and public roads and highways of the Commonwealth from conditions on coal refuse disposal areas, or parts thereof, which fail to comply with the established rules, regulations or quality standards adopted to avoid air or water pollution or to protect water supplies, and from the danger of slipping, sliding or burning of coal refuse disposal areas, or parts thereof, sometimes caused by the storage of coal refuse; prescribing for and regulating the operation of coal refuse disposal areas, and parts thereof; prescribing the powers of the Department of Environmental Resources with respect thereto; providing for the power to enjoin the operation of coal refuse disposal areas, or parts thereof, which contain certain conditions; providing for civil and criminal penalties; authorizing the acquisition by condemnation of certain land areas in certain cases; establishing a permit system, authorizing the adoption of rules and regulations, establishing minimum standards and requiring bonds and for the maintenance of primary jurisdiction over surface coal mining in Pennsylvania," providing for selection of sites for coal refuse disposal; further providing for areas unsuitable for coal refuse disposal; providing for coal refuse disposal activities on areas on which there are preexisting pollutorial discharges; providing for experimental practices and demonstration projects involving coal refuse disposal; and providing for retention of jurisdiction over surface coal mining.

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

Section 1. The title and section 1 of the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, amended October 10, 1980 (P.L.807, No.154), are amended to read:

AN ACT

Providing for the protection of the safety, health and welfare of the people, property and public roads and highways of the Commonwealth from conditions on coal refuse disposal areas, or parts thereof, which fail to comply with the established rules, regulations or quality standards adopted to avoid air or water pollution or to protect water supplies, and from the danger of slipping, sliding or burning of coal refuse disposal areas, or parts thereof, sometimes caused by the storage of coal refuse; prescribing for and regulating the operation of coal refuse disposal areas, and parts thereof; prescribing the powers of the Department of Environmental Resources with respect thereto; providing for the power to enjoin the operation of coal refuse disposal areas, or parts thereof, which contain certain conditions; providing for civil

and criminal penalties; authorizing the acquisition by condemnation of certain land areas in certain cases; establishing a permit system, authorizing the adoption of rules and regulations, establishing minimum standards [and]; requiring bonds and for the maintenance of primary jurisdiction over surface coal mining in Pennsylvania[.]; **providing incentives for coal refuse disposal activities on previously affected areas; and providing for coal refuse disposal research.**

Section 1. Findings and Declaration of Policy.--It is hereby determined by the General Assembly of Pennsylvania and declared as a matter of legislative finding that:

(1) The accumulation and storage of coal refuse material can cause a condition which fails to comply with the established rules, regulations or quality standards adopted to avoid air or water pollution and can create a danger to persons, property or public roads or highways, either by reason of shifting or sliding, or by exposing persons walking onto the refuse to the danger of being burned. **In order to minimize the exposure to these conditions and dangers, it is better to have a few large coal refuse disposal sites as opposed to numerous small coal refuse disposal sites.**

(2) No coal refuse disposal area, or part thereof, should be operated in such manner as to cause a condition which fails to comply with the established rules, regulations or quality standards adopted to avoid air or water pollution or to cause a danger to persons, property or public roads or highways, and such condition and danger must be prevented and eliminated by the control and regulation of coal refuse disposal so as to effectuate the policy declared in this section.

(3) The mining of coal is and has been an important and necessary industry, which has provided and will continue to provide for the effective use and development of a valuable natural resource underlying a large part of the Commonwealth of Pennsylvania.

(4) Research and development of methods for reuse, backstowing in underground mines, disposal in inactive surface mines, and surface disposal of coal refuse is essential to continue to develop the technology necessary to assure adequate environmental protection and the utilization of active and inactive surface and underground coal mines for coal refuse disposal should be encouraged as an alternative to surface coal refuse disposal because it may conserve the land resources and it can improve the Commonwealth's air and water quality.

(5) **Incentives are needed to encourage research and development of technology to enhance environmental protection in the disposal of coal refuse, to develop methods for reuse or environmentally safe disposal of coal refuse and to encourage disposal of coal refuse on areas previously affected by coal mining activities where available and practicable.**

(6) The Commonwealth has already secured approval of a remining incentive program from the Office of Surface Mining and the United States Environmental Protection Agency under the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.) and the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) for surface coal mining activities, and the Commonwealth intends to establish a similar program for coal refuse operations to the extent authorized by Federal law.

(7) Section 301(p) of the Federal Water Pollution Control Act authorizes the issuance of a modified permit under section 402 of the Federal Water Pollution Control Act for coal remining operations.

(8) The reuse of areas that have been affected by past coal mining activities and remain unreclaimed should be encouraged for future coal refuse disposal to minimize impact on unaffected areas.

(9) It is important to protect aquatic and terrestrial wildlife and their habitats during site selection and operation of coal refuse disposal areas.

The General Assembly of Pennsylvania therefore declares it to be the policy of the Commonwealth of Pennsylvania that the prevention and elimination of certain conditions resulting from the operation of coal refuse disposal areas is directly related to the safety, health and welfare of the people of the Commonwealth, making it necessary to control and regulate coal refuse disposal and to encourage the siting of coal refuse disposal operations on land previously disturbed by mining activities or coal refuse disposal operations.

Section 2. Section 3(1) of the act, amended October 10, 1980 (P.L.807, No.154), is amended and the section is amended by adding clauses to read:

Section 3. Definitions.--The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Abatement plan" shall mean, for the purposes of section 6.2 of this act, any individual technique or combination of techniques, the implementation of which will result in reduction of the baseline pollution load.

(1.1) "Actual improvement" shall mean, for the purposes of section 6.2 of this act, the reduction of the baseline pollution load resulting from the implementation of the approved abatement plan except that any reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement: Provided, however, That treatment approved by the department of the coal refuse before, during or after placement in the coal refuse disposal area shall not be considered to be water treatment.

[(1)] (1.2) "Air pollution" and "water pollution" shall, respectively, have the definitions ascribed to them under applicable laws, as amended, from time to time.

(1.3) "Baseline pollution load" shall mean, for the purposes of section 6.2 of this act, the characterization of the pollutorial material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter deemed relevant by the department, including seasonal variations and variations in response to precipitation events.

(1.4) "Best technology" means, for the purposes of section 6.2 of this act, measures and practices which will abate or ameliorate, to the maximum extent possible, discharges from or on the pollution abatement area.

\* \* \*

(2.1) "Coal refuse disposal activities" shall mean, for the purposes of section 6.2 of this act, the storage, dumping or disposal of any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay, underground development wastes, coal processing wastes, excess soil and related materials, associated with or near a coal seam, which are either brought above ground or otherwise removed from a coal mine in the process of mining coal or which are separated from coal during the cleaning or preparation operations. The term shall not include the removal or storage of overburden from surface mining activities.

\* \* \*

(9.1) "Pollution abatement area" shall mean, for the purposes of section 6.2 of this act, that part of the permit

area which is causing or contributing to the baseline pollution load, which shall include adjacent and nearby areas that must be affected to bring about significant improvement of the baseline pollution load and which may include the immediate location of the discharges.

\* \* \*

(10.1) "Public recreational impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water and which is owned, rented or leased by the Federal Government, the Commonwealth or a political subdivision of the Commonwealth and which is used for swimming, boating, water skiing, hunting, fishing, skating or other similar activities.

\* \* \*

Section 3. Section 3.2 of the act, added October 10, 1980 (P.L.807, No.154), is amended to read:

Section 3.2. Powers and Duties of the Environmental Quality Board.--(a) The Environmental Quality Board shall have the power and its duties shall be to adopt rules and regulations to accomplish the purposes of this act, including but not limited to the protection of the safety, health, welfare, and property of the public, and the air and waters of the Commonwealth. Such rules and regulations shall be adopted pursuant to the provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, upon such notice and after such public hearings as the Environmental Quality Board deems appropriate.

(b) To implement section 6.2 of this act, the Environmental Quality Board shall adopt regulations that are consistent with the requirements of section 301(p) of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1311(p)) and the State remining regulations for surface coal mining activities.

Section 4. The act is amended by adding a section to read:

Section 4.1. Site Selection.--(a) Preferred sites shall be used for coal refuse disposal unless the applicant demonstrates to the department another site is more suitable based upon engineering, geology, economics, transportation systems and social factors and is not adverse to the public interest. A preferred site is one of the following:

- (1) A watershed polluted by acid mine drainage.
- (2) A watershed containing an unreclaimed surface mine but which has no mining discharge.
- (3) A watershed containing an unreclaimed surface mine with discharges that could be improved by the proposed coal refuse disposal operation.
- (4) Unreclaimed coal refuse disposal piles that could be improved by the proposed coal refuse disposal operation.
- (5) Other unreclaimed areas previously affected by mining activities.

Where, however, the adverse environmental impacts of the preferred site clearly outweigh the public benefits, the site shall not be considered a preferred site.

(b) Except if it is a preferred site, coal refuse disposal shall not occur on prime farm lands, in sites known to contain Federal threatened or endangered plants or animals or State threatened or endangered animals, in watersheds designated as exceptional value under 25 Pa. Code Ch. 93 (relating to water quality standards), in areas hydrologically connected to and which contribute at least five per cent of the drainage to wetlands designated as exceptional value under 25 Pa. Code Ch. 105 (relating to dam safety and waterway management) unless a

larger percentage is approved by the department in consultation with the Pennsylvania Fish and Boat Commission and in watersheds less than four square miles in area upstream of the intake of public water supplies or the upstream limit of public recreational impoundments.

(c) For new refuse disposal areas to support an existing coal mining activity, the applicant shall identify the alternative sites considered within a one mile radius and the basis for their consideration. Where there are no preferred sites within a one mile radius or where the applicant, under subsection (a), demonstrates that a nonpreferred site is more suitable, the applicant shall demonstrate the basis for the exclusion of other sites and shall, based on reasonably available data, demonstrate to the department that the proposed site is the most suitable on the basis of environmental, economic, technical, transportation and social factors and that the proposed site meets the requirements of subsection (b). However, where the adverse environmental impacts of the proposed site clearly outweigh the public benefits, the department shall not approve the site.

(d) For other new coal refuse disposal activities, the applicant shall identify the alternative sites considered within a twenty-five square mile area and the basis for their consideration. Where there are no preferred sites in an area of twenty-five square miles or where the applicant, under subsection (a), demonstrates that a nonpreferred site is more suitable, the applicant shall demonstrate the basis for the exclusion of other sites and shall, based on reasonably available data, demonstrate to the department that the proposed site is the most suitable on the basis of environmental, economic, technical, transportation and social factors and that the proposed site meets the requirements of subsection (b). However, where the adverse environmental impacts of the proposed site clearly outweigh the public benefits, the department shall not approve the site.

(e) The alternatives analysis required by this section satisfies the requirement for an alternatives analysis under the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act," and regulations promulgated under the act.

Section 5. Section 6.1(h)(5) of the act, added October 10, 1980 (P.L.807, No.154), is amended and the section is amended by adding a subsection to read:

Section 6.1. Designating Areas Unsuitable for Coal Refuse Disposal.--\* \* \*

(h) Subject to valid existing rights as they are defined under § 522 of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. § 1201 et seq., no coal refuse disposal operations except those which exist on August 3, 1977, shall be permitted:

\* \* \*

(5) within three hundred feet of any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any **public park**, public building, school, church, community or institutional building, [public park,] nor within one hundred feet of a cemetery, [or] **nor** within one hundred feet of the bank of any stream. **Notwithstanding this one hundred foot stream buffer zone, if consistent with section 4.1 of this act, the department may grant a variance to dispose of coal refuse and to relocate or divert streams in the stream buffer zone if the operator demonstrates to the satisfaction of the department that there will be no significant adverse hydrologic**

or water quality impacts as a result of the variance. The variance shall be issued as a written order specifying the methods and techniques that must be employed to prevent or mitigate adverse impacts. Prior to granting any such variance, the operator shall be required to give public notice of his application for the variance in two newspapers of general circulation in the area once a week for two successive weeks. Should any person file any exception to the proposed variance within twenty days of the last publication of the notice, the department shall conduct a public hearing with respect to the application within thirty days of receipt of the exception. The department shall also consider any information or comments submitted by the Pennsylvania Fish and Boat Commission prior to taking action on any variance request.

(i) All new coal refuse disposal areas shall include a system to prevent adverse impacts to surface and ground water and to prevent precipitation from contacting the coal refuse. The system for preventing precipitation from contacting the coal refuse shall be installed, as phases of the coal refuse disposal area reach capacity, as specified in the permit, when the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of ninety days unless the department, for reasons of a labor strike or business necessity, approves a longer period that shall not exceed one year or when the operator permanently ceases operation of the coal refuse disposal area. The system shall allow for revegetation and the prevention of erosion.

Section 6. The act is amended by adding sections to read:

Section 6.2. Coal Refuse Disposal Activities on Previously Affected Areas.--(a) Any operator who proposes to engage in coal refuse disposal activities on an area on which there are preexisting polluttional discharges resulting from previous mining may request special authorization from the department to proceed to conduct coal refuse disposal activities under this section. Except as specifically modified by this section and the rules and regulations adopted under this section, the provisions of this act shall apply to special authorizations to conduct coal refuse disposal activities on areas with preexisting polluttional discharges.

(b) The department may grant special authorization under this section if such special authorization is part of:

(1) a permit issued under section 4 of this act, except for permit transfers after the effective date of this section, if the request is made at the time of submittal of a permit application or prior to a department decision to issue or deny that permit; or

(2) a permit revision pursuant to department regulation, but only if the operator affirmatively demonstrates to the satisfaction of the department that:

(i) the operator has discovered polluttional discharges within the permit area that came into existence after its permit application was approved;

(ii) the operator has not caused or contributed to the polluttional discharges;

(iii) the proposed pollution abatement area is not hydrologically connected to any area where coal refuse disposal activities have been conducted pursuant to the permit;

(iv) the operator has not affected the proposed pollution abatement area by coal refuse disposal activities; and

(v) the department has not granted a bonding authorization and coal refuse disposal approval for the area.

(c) The department shall not grant special authorization under this section unless the operator making the request affirmatively demonstrates all of the following:

(1) Neither the operator nor any officer, principal shareholder, agent, partner, associate, parent corporation, subsidiary or affiliate, sister corporation, contractor or subcontractor or any related party:

(i) has any legal responsibility or liability as an operator under section 315 of the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," for treating the polluttional discharges from or on the proposed pollution abatement area; or

(ii) has any statutory responsibility or liability for reclaiming the proposed pollution abatement area.

(2) The proposed pollution abatement plan will result in a significant reduction of the baseline pollution load and represents best technology.

(3) The land within the proposed polluttional abatement area can be reclaimed.

(4) The coal refuse disposal activities on the proposed pollution abatement area will not cause any additional surface water pollution or groundwater degradation.

(5) The coal refuse disposal activities on permitted areas other than the proposed pollution abatement area will not cause any surface water pollution or groundwater degradation.

(6) There are one or more preexisting polluttional discharges from or on the pollution abatement area.

(7) All requirements of this act and the regulations promulgated under this act that are not inconsistent with this section have been met.

(d) An authorization may be denied under this section if granting it will or is likely to affect any legal responsibility or liability for abating the polluttional discharges from or near the pollution abatement area.

(e) Except as specifically modified by this section, an operator requesting special authorization under this section shall comply with the permit application requirements of sections 4 and 5 of this act and the regulations promulgated under sections 4 and 5 of this act and shall also provide such additional information as may be required by the department relating to:

(1) a delineation of the proposed pollution abatement area, including the location of the preexisting discharges;

(2) a description of the hydrologic balance for the proposed pollution abatement area, including water quality and quantity monitoring data; and

(3) a description of the abatement plan that represents the best technology.

(f) An operator who is granted special authorization under this section shall:

(1) implement the approved water quality and quantity monitoring program for the pollution abatement area as required by the department;

(2) implement the approved abatement plan;

(3) notify the department immediately prior to the completion of each step of the abatement plan; and

(4) provide progress reports to the department within thirty days after the completion of each step of the abatement program in a manner prescribed by the department.

(g) (1) An operator granted special authorization under this section shall be responsible for the treatment of discharges in the following manner:

(i) Except for preexisting discharges which are not encountered during coal refuse disposal activities or the implementation of the abatement plan, the operator shall comply with all applicable regulations of the department.

(ii) The operator shall treat preexisting discharges which are not encountered during coal refuse disposal activities or implementation of the abatement plan to meet the baseline pollution load when the baseline pollution load is exceeded according to the following schedule:

(A) prior to final bond release, if the operator is in compliance with the pollution abatement plan, where the department demonstrates that the operator has caused the baseline pollution load to be exceeded; the department shall have the burden of proving that the operator caused the baseline pollution load to be exceeded;

(B) prior to final bond release, if the operator is not in compliance with the pollution abatement plan, unless the operator affirmatively demonstrates that the reason for exceeding the baseline pollution load is a cause other than the operator's coal refuse disposal and abatement activities; and

(C) subsequent to final bond release where the department demonstrates that the operator has caused the baseline pollution load to be exceeded; the department shall have the burden of proving that the operator caused the baseline pollution load to be exceeded.

(2) an allegation that the operator caused the baseline pollution load to be exceeded under subclause (ii) of clause (1) shall not prohibit the department from issuing, renewing or amending the operator's license and permits or approving a bond release until a final administrative determination has been made of an such alleged violation.

(3) For purposes of this subsection, the term "encountered" shall not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the abatement plan which would otherwise drain into the affected area, provided such diversions are designed, operated and maintained in accordance with all applicable regulations of the department.

(h) An operator required to treat preexisting discharges under subsection (g) will be allowed to discontinue treating preexisting discharges when the operator demonstrates that:

(1) the baseline pollution load is no longer being exceeded as shown by all ground and surface water monitoring;

(2) all requirements of the permit and the special authorization have been or are being met;

(3) the operator has implemented each step of the abatement plan as approved in the authorization; and

(4) the operator did not cause or allow any additional surface water pollution or groundwater degradation by re-affecting the pollution abatement area.

(i) If any condition set forth in subsection (g) of this section occurs after discontinuance of treatment under subsection (h) of this section, the operator shall reinstitute treatment in accordance with subsection (g) of this section. An operator who reinstitutes treatment under this subsection shall be allowed to discontinue treatment if the requirements of subsection (h) of this section are met.

(j) For pollution abatement areas subject to a grant of special authorization under this section, the operator shall comply with all requirements relating to bonds set forth in section 6 of this act, except that the criteria and schedule for release of bonds shall be as follows:



(1) Up to fifty per cent of the amount of bond if the operator demonstrates that:

(i) all activities were conducted in accordance with all applicable requirements;

(ii) the operator has satisfactorily completed installing the water impermeable cover, grading, planting and drainage control in accordance with the approved reclamation plan;

(iii) the operator has properly implemented each step of the approved abatement plan;

(iv) the operator has not caused the baseline pollution load to be exceeded for a period of a minimum of six months prior to the submittal of a request for bond release and until the bond release is approved as shown by all ground and surface water monitoring; and

(v) the operator has not caused or contributed to any ground or surface water pollution by re-affecting the pollution abatement area.

(2) Up to an additional thirty-five per cent of the amount of bond if the operator demonstrates that:

(i) the operator has replaced topsoil, completed final grading and achieved successful vegetation in accordance with the approved reclamation plan;

(ii) the operator has not caused or contributed to any ground or surface water pollution by re-affecting the pollution abatement area; and

(iii) the operator has achieved the actual improvement of the baseline pollution load described in the abatement plan and shown by all ground and surface water monitoring for the period of time provided in the abatement plan or has achieved all of the following:

(A) At a minimum, the operator has not caused the baseline pollution load to be exceeded as shown by all ground and surface water monitoring for a period of twelve months from the date of initial bond release under clause (1) or from the date of discontinuance of treatment under subsection (h) of this section.

(B) The operator has conducted all measures provided in the abatement plan and any additional measures specified by the department in writing at the time of initial bond release under clause (1).

(C) The operator has caused aesthetic or other environmental improvements and the elimination of public health and safety problems by engaging in coal refuse disposal activities and re-affecting the pollution abatement area.

(D) The operator has stabilized the pollution abatement area.

(3) The remaining amount of bond if the operator demonstrates that:

(i) the operator has not caused the baseline pollution load to be exceeded from the time of bond release under clause (2) or, if treatment has been initiated any time after release of the bond, for a period of five years from the date of discontinuance of treatment under subsection (h) of this section; and

(ii) the applicable liability period of section 6 of this act has expired and the operator has successfully completed all coal refuse disposal and reclamation activities.

(k) For reclamation plans approved as part of a grant of special authorization under this section, the standard of successful revegetation shall be, as a minimum, the establishment of ground cover of living plants not less than can be supported by the best available topsoil or other suitable

material in the reaffected area, shall not be less than ground cover existing before disturbance and shall be adequate to control erosion: Provided, however, That the department may require that the standard of success comply with section 5(c) and (e) of this act where it determines compliance is integral to the proposed pollution abatement plan.

(1) In establishing an appropriate bond amount for coal refuse disposal in any area subject to a grant of special authorization under this section, the department shall apply as a credit to the bond amount any funds paid into the Surface Mining Conservation and Reclamation Fund as a result of a prior forfeiture on the area. The area shall also be exempt from permit reclamation fees prescribed by regulations promulgated under this act.

(m) An operator granted special authorization under this section shall be permanently relieved from the requirements of subsection (g) of this section and the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," for all preexisting discharges, identified in subsection (e) of this section, to the extent of the baseline pollution load if the operator complies with the terms and conditions of the pollution abatement plan and the baseline pollution load has not been exceeded at the time of final bond release. Relief of liability under this subsection shall not act or be construed to relieve any person other than the operator granted special authorization from liability for the preexisting discharge; nor shall it be construed to relieve the operator granted special authorization from liability under subsection (g)(1)(ii) of this section if the baseline pollution load is exceeded.

Section 6.3. Experimental Practices.--In order to encourage advances in coal refuse disposal practices and advances in technology or practices which will enhance environmental protection with respect to coal refuse disposal activities, the department may grant permits approving experimental practices and demonstration projects. The department may grant such permits if:

(1) the environmental protection provided will be potentially more protective or at least as protective as required by this act and department regulations;

(2) the coal refuse disposal activities approved under the permits are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices or demonstration projects; and

(3) the experimental practices or demonstration projects do not reduce the protection afforded public health and safety below that provided by this act and department regulations.

Section 15.1. Suspension of Implementation of Certain Provisions.--In order to maintain primary jurisdiction over surface coal mining in Pennsylvania, the department shall suspend implementation of any provision of this act found to be inconsistent with Federal law by the Secretary of the United States Department of the Interior under section 505 of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.) or the Administrator of the Environmental Protection Agency under section 402 of the Federal Water Pollution Control Act ( 62 Stat. 1155, 33 U.S.C. § 1251 et seq.). To maintain primary jurisdiction over coal mining operations the department shall develop a regulatory program and program amendments under the Surface Mining Control and Reclamation Act and the Federal Water Pollution Control Act that are consistent with the requirements of section 301(p) of

**the Federal Water Pollution Control Act and the State remining regulations for surface mining activities.**

Section 7. This act shall take effect in 60 days.

APPROVED--The 7th day of December, A. D. 1994.

ROBERT P. CASEY