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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1998 Session of 1991

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SERAFINI AND JADLOWIEC, OCTOBER 8, 1991

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REFERRED TO COMMITTEE ON CONSERVATION, OCTOBER 8, 1991

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AN ACT

1 Abolishing the Department of Environmental Resources;  
2 transferring the functions of the Department of Environmental  
3 Resources to the newly established Department of Parks and  
4 Forestry, the Department of Environmental Protection and  
5 Conservation and the Department of Energy Resources; and  
6 making repeals.

7 TABLE OF CONTENTS

8 Chapter 1. Preliminary Provisions  
9 Section 101. Short title.  
10 Section 102. Abolition.  
11 Chapter 3. Department of Parks and Forestry  
12 Section 301. Definitions.  
13 Section 302. Department.  
14 Section 303. Parks.  
15 Section 304. Forests.  
16 Section 305. State Forest School.  
17 Section 306. Forest officers.  
18 Section 307. Chief Forest Fire Warden.

1 Section 308. District forest fire wardens.  
2 Section 309. Local forest fire wardens.  
3 Section 310. Forest fire wardens.  
4 Section 311. Transfer of statutory powers and duties.  
5 Section 312. General transfers.  
6 Chapter 5. Department of Environmental Conservation and  
7 Protection  
8 Section 501. Definitions.  
9 Section 502. Department.  
10 Section 503. Waters.  
11 Section 504. Water and power resources.  
12 Section 505. Water supply.  
13 Section 506. Flood control.  
14 Section 507. Nuisances.  
15 Section 508. Topographic and geologic surveys.  
16 Section 509. Cooperation with municipalities.  
17 Section 510. Transfer of statutory powers and duties.  
18 Section 511. General transfers.  
19 Chapter 7. Department of Energy Resources  
20 Section 701. Definitions.  
21 Section 702. Department.  
22 Section 703. Mines.  
23 Section 704. Mine inspectors.  
24 Section 705. Natural gas determinations.  
25 Section 706. Conflicts of interest.  
26 Section 707. Uranium tailings.  
27 Section 708. Transfer of statutory powers and duties.  
28 Section 709. General transfers.  
29 Chapter 9. Miscellaneous Provisions  
30 Section 901. Actions of Department of Environmental Resources.

1 Section 902. Repeals.

2 Section 903. Effective date.

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

5 CHAPTER 1

6 PRELIMINARY PROVISIONS

7 Section 101. Short title.

8 This act shall be known and may be cited as the Pennsylvania  
9 Environmental Protection Act.

10 Section 102. Abolition.

11 The Department of Environmental Resources is abolished.

12 CHAPTER 3

13 DEPARTMENT OF PARKS AND FORESTRY

14 Section 301. Definitions.

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

18 "Department." The Department of Parks and Forestry of the  
19 Commonwealth established in section 302.

20 "Secretary." The Secretary of Parks and Forestry.

21 Section 302. Department.

22 The Department of Parks and Forests is established as an  
23 administrative agency. The department shall be headed by the  
24 Secretary of Parks and Forestry. The secretary shall be  
25 appointed by the Governor, subject to the approval of two-thirds  
26 of the members elected to the Senate.

27 Section 303. Parks.

28 The department has the following powers and duties:

29 (1) To regulate, maintain and improve all parks  
30 belonging to the Commonwealth.

1           (2) For the purpose of promoting healthful outdoor  
2 recreation and education and making available for such use  
3 natural areas of unusual scenic beauty, especially such as  
4 provide impressive views, waterfalls, gorges, creeks, caves  
5 or other unique and interesting features, to acquire, in the  
6 name of the Commonwealth, by purchase, gift, lease, or  
7 condemnation, lands which, in the judgment of the department,  
8 should be held, controlled, protected, maintained and  
9 utilized as State park lands. Lands may be purchased or  
10 accepted subject to conditions and reservations of mineral  
11 rights, rights-of-way or other encumbrances as the department  
12 may deem consistent with the holdings. The amount expended  
13 for the acquisition of lands for State park purposes shall  
14 not exceed the amount specifically appropriated for that  
15 purpose.

16           (3) To see that conveniences and facilities for the  
17 transportation, shelter, comfort and education of people  
18 shall be so designed and constructed to retain, as far as  
19 possible, the naturalistic appearance of State park areas,  
20 surroundings and approaches and to conceal the hand of  
21 humanity as ordinarily visible in urban, industrial and  
22 commercial activities.

23           (4) To lease portions of State parks to individuals or  
24 business entities of this Commonwealth for facilities to be  
25 used for health, recreational or educational purposes or for  
26 parking areas or concessions for the convenience and comfort  
27 of the public. Leases under this paragraph may not exceed ten  
28 years unless the Governor approves a lease of up to 35 years  
29 where there is a substantial capital investment involved and  
30 where the lease is deemed in the best interests of the

1 Commonwealth.

2 (5) To study, counsel and advise in reference to gifts  
3 of lands or money for park purposes.

4 (6) To counsel and advise in reference to the  
5 development of park lands by concessionaries with facilities  
6 and equipment for the accommodation and education of the  
7 public.

8 (7) To appoint and commission persons to preserve order  
9 in the State parks. The following provisions apply to persons  
10 commissioned under this paragraph:

11 (i) The persons have the power to make arrests  
12 without warrant for all violations of the law which they  
13 observe and to serve and execute warrants issued by the  
14 proper authorities. In cases of offenses for violation of  
15 any of the provisions of 75 Pa.C.S. (relating to  
16 vehicles), the power to make arrests without warrant  
17 shall be limited to cases where the offense is designated  
18 a felony or a misdemeanor and to cases causing or  
19 contributing to an accident or resulting in injury or  
20 death to an individual.

21 (ii) The persons have the powers and prerogatives  
22 conferred by law upon members of the police force of  
23 cities of the first class.

24 (iii) The persons have the powers and prerogatives  
25 conferred by law upon constables of the Commonwealth.

26 (iv) The persons have the power to serve subpoenas.

27 (8) For the purpose of providing parking facilities and  
28 incidental services within the borders of any State park area  
29 situate in a city of the first class, to lease or grant, upon  
30 written approval of the Governor, a portion of the State park

1 area, underground or aboveground, to the city or to a parking  
2 authority existing in the city under the act of June 5, 1947  
3 (P.L.458, No.208), known as the Parking Authority Law, if all  
4 of the following apply:

5 (i) The city or the parking authority agrees that  
6 the lands and interests and privileges therein shall be  
7 used by the city or parking authority, or a lessee  
8 holding under either of them pursuant to a lease granted  
9 by the city or parking authority, to promote the  
10 establishment of parking services and facilities. Under  
11 this subparagraph, portions of the street level or lower  
12 floors of the parking facilities may be leased for  
13 commercial use, including emergency automobile repair  
14 service and the sale by the lessee of any commodity of  
15 trade or commerce or any service except the sale of  
16 gasoline or automobile accessories.

17 (ii) The department, with the written approval of  
18 the Governor, determines that the lease or grant will aid  
19 in promoting the public safety, convenience and welfare  
20 of the people of the city by aiding in the establishment  
21 of adequate parking services for the convenience of the  
22 public and by otherwise promoting the public policy of  
23 the Commonwealth in authorization for the creation of  
24 parking authorities and that the lease or grant will not  
25 unduly interfere with the promotion of those public  
26 objects for which the State park area was acquired and  
27 for which it is held. The lease or grant shall be upon  
28 the terms and conditions and for the period of time the  
29 department, with the written approval of the Governor,  
30 may prescribe. The department shall execute and deliver,

1           and may receive, deeds or other legal instruments  
2           necessary to effectuate a lease or grant. A copy of each  
3           deed and instrument shall be filed with the Department of  
4           Community Affairs.

5           (9) To make contracts or leases in the name of the  
6           Commonwealth for the mining or removal of oil or gas found in  
7           a State park whenever it shall appear to the satisfaction of  
8           the department that it would be for the best interests of the  
9           Commonwealth to make disposition of the oil and gas. A  
10          proposed contract or lease of oil and gas exceeding \$1,000 in  
11          value must be advertised once a week for three weeks in  
12          advance of awarding the contract or lease in at least two  
13          newspapers published nearest the locality indicated. Such  
14          contracts or leases may then be awarded to the highest and  
15          best bidder, who must give bond for the proper performance of  
16          the contract as the department shall designate.

17          (10) To grant rights-of-way in and through State parks  
18          to municipal authorities and political subdivisions of this  
19          Commonwealth for the laying of water lines and lines for the  
20          transportation of sewage to sewage lines or sewage treatment  
21          facilities on State park land, under terms and conditions,  
22          including the payment of fees, as the department deems  
23          proper, when it appears that the grant will not so adversely  
24          affect the land as to interfere with its usual and orderly  
25          administration and that the interests of the Commonwealth or  
26          its citizens will be promoted by the grant.

27          (11) To issue permits under emergency situations, upon  
28          terms and subject to restrictions, fees and regulations as  
29          the department deems proper, for the utilization of water at  
30          a State park and for constructing, maintaining and operating

1 lines of pipes upon and through a State park for the purpose  
2 of conveying water from the park if it is in the public  
3 interest.

4 Section 304. Forests.

5 The department has the following powers and duties:

6 (1) To acquire, in the name of the Commonwealth, by  
7 purchase, gift, lease, or condemnation, and to hold as State  
8 forests, lands, including tax delinquent lands, which, in the  
9 judgment of the department, the Commonwealth should hold,  
10 manage, protect, maintain and utilize as State forests, for  
11 reforestation, for adding to and extending the existing State  
12 forests for the purpose of lessening soil erosion and silting  
13 up of reservoirs, for controlling the flow of streams and  
14 extinguishing interior holdings or for establishing and  
15 maintaining fire observation towers and stations. Lands may  
16 be purchased or accepted subject to conditions and  
17 reservations of mineral rights, stumpage rights, rights-of-  
18 way, or other encumbrances as the department may deem  
19 consistent with the holding. The purchase price of land  
20 purchased under this paragraph shall not exceed fair market  
21 value. The amount expended for the acquisition of lands for  
22 State forest purposes, in any annual appropriation period,  
23 shall not exceed the appropriation for that purpose for the  
24 period, and the amount expended for other land acquisitions  
25 shall not exceed appropriations made for those purposes.

26 (2) To purchase, and to hold as State forest, unseated,  
27 vacant or unappropriated lands, lands advertised for sale for  
28 taxes, and land sold for taxes.

29 (3) To hold, manage, protect, maintain, utilize and  
30 develop the occupancy and use of lands and land resources



1       acquired, owned, leased, or maintained as State forests for  
2       reforestation, for extending existing State forests, for  
3       lessening soil erosion, for silting up of reservoirs, for  
4       controlling stream flow, for extinguishing interior holdings,  
5       and for fire observation tower and station purposes.

6           (4) To divide this Commonwealth into convenient forest  
7       districts as it deems economical and effective to administer,  
8       protect, develop, and utilize the occupancy and use of the  
9       lands and resources of the State forest; to protect forest  
10      land from forest fires, fungi, insects, and other enemies; to  
11      promote and develop forestry and knowledge of forestry; to  
12      advise and assist landowners in the planting of forest and  
13      shade trees; to obtain and publish information respecting  
14      forest lands and forestry; to assist in Arbor Day work; to  
15      promote and advance any other activity in local forestry  
16      which the department deems helpful to the public interest; to  
17      promulgate and enforce regulations for the protection of  
18      forest from fire and depredation; and to assign district  
19      foresters, foresters, forest rangers, and other assistants to  
20      take active charge of the forest districts and to administer  
21      the forest districts as the secretary deems necessary for the  
22      accomplishment of the purposes of this chapter.

23           (5) To cooperate with the authorities of municipalities  
24      in the acquisition and administration of municipal forests.

25           (6) To dispose of the timber on terms most advantageous  
26      to the Commonwealth if the welfare of the Commonwealth with  
27      respect to reforesting and the betterment of the State  
28      forests with respect to control, management, protection,  
29      utilization and development of their occupancy and use will  
30      be advanced by selling or disposing of any of the timber on

1 the State forests.

2 (7) To set aside within the State forests unusual or  
3 historical groves of trees or natural features especially  
4 worthy of permanent preservation, to make them accessible and  
5 convenient for public use and to dedicate them in perpetuity  
6 to the citizens of this Commonwealth for their recreation and  
7 enjoyment.

8 (8) To make contracts or leases, in the name of the  
9 Commonwealth, for the mining or removal of valuable minerals  
10 found in State forests, of oil and gas beneath those waters  
11 of Lake Erie owned by the Commonwealth, or of oil and gas  
12 beneath the land of Woodville State Hospital owned by the  
13 Commonwealth if the department is satisfied that it would be  
14 for the best interests of the Commonwealth to make such  
15 disposition. A proposed contract or lease of valuable  
16 minerals, exceeding \$1,000 in value, must have been  
17 advertised once a week for three weeks in advance of awarding  
18 the contract or lease, in at least two newspapers published  
19 nearest the locality indicated. The contract or lease may  
20 then be awarded to the highest and best bidder, who must  
21 furnish a bond designated by the department for proper  
22 performance. If the Commonwealth owns a fractional interest  
23 in the oil, natural gas and other minerals under State forest  
24 lands, the requirement of competitive bidding may be waived;  
25 and the department may enter into a contract to lease that  
26 fractional interest, with the approval of the Governor, upon  
27 terms and conditions as the department deems to be in the  
28 best interest of the Commonwealth.

29 (9) To appoint and, with the approval of the Governor,  
30 fix the compensation of a chief forest fire warden and

1 district forest fire wardens and to appoint and fix the  
2 compensation of local forest fire wardens and other  
3 assistants for the prevention, control and extinction of  
4 forest fires.

5 (10) To establish and administer auxiliary forest  
6 reserves.

7 (11) To distribute young forest trees, shrubs and vines  
8 to those desiring to plant them.

9 (12) To furnish information, issue certificates and  
10 requisition money necessary for the payment of fixed charges,  
11 in lieu of taxes on State forest and auxiliary forest  
12 reserves, to school districts, road districts and counties.

13 (13) To sell or exchange State forest land, with the  
14 approval of the Governor, if it is to the advantage of the  
15 State forest interests.

16 (14) To set aside land under the jurisdiction of the  
17 department for exclusive use for parks; parkways; and other  
18 places of scientific, scenic, historic; or wildlife interest.

19 (15) With the approval of the Governor, to enter into  
20 agreements, with owners or lessees of property or property  
21 rights located in the same area as lands owned or leased by  
22 the Commonwealth, for the protection, preservation or  
23 recovery of Commonwealth-owned deposits of metallic or  
24 nonmetallic ore, fuel, oil, natural gas or other minerals.

25 (16) To pay net receipts arising out of the occupancy  
26 and use of the State forests into the General Fund through  
27 the Department of Revenue.

28 (17) To lease portions of State forests, whether owned  
29 or leased by the Commonwealth, for buildings and facilities  
30 to be used for health, recreation, church or school purposes.

1       Leases under this paragraph must be made with tenants who are  
2       residents of, or doing business in, this Commonwealth. Leases  
3       under this paragraph may not exceed ten years or, if the  
4       Governor approves, if a substantial capital investment is  
5       involved and if the department deems it is in the best  
6       interest of the Commonwealth, 35 years. The department shall  
7       not terminate the lease of a tenant whose cabin has been  
8       destroyed or seriously damaged by fire, storm, flood or other  
9       natural causes and shall permit the rebuilding of the cabin.  
10      The department shall permit tenants to renovate or make  
11      additions to existing cabins with the approval of the  
12      department.

13           (18) To lease small areas in State forests, whether  
14      owned or leased by the Commonwealth, which the department  
15      deems better suited for the growing of other crops than for  
16      the growing of forest trees. If more than one person shall  
17      apply for the same tract, the lease must be advertised in  
18      three, or as many as there are, newspapers of general  
19      circulation within the meaning of 45 Pa.C.S. § 101 (relating  
20      to definitions) in the county where the tract is located,  
21      once a week for three weeks. After advertisement, the  
22      department shall award the tract to the highest bidder. The  
23      department may, however, reject all bids. Leases under this  
24      paragraph may not exceed ten years. Upon the termination of a  
25      lease, the lessee may remove buildings and fences placed on  
26      the tract at the lessee's expense; or the department may  
27      purchase such buildings and fences as a part of the permanent  
28      improvement of the tract, upon terms agreed upon by the  
29      department and the lessee.

30           (19) To grant rights-of-way through State forests if, in

1 the judgment of the department, the grant will not so  
2 adversely affect the land as to interfere with its usual and  
3 orderly administration, and the interests of the Commonwealth  
4 or its citizens will be promoted by the grant. As used in  
5 this paragraph, "right-of-way" includes a right of passage,  
6 haulage, flowage and transmission.

7 (20) To give to street railway companies incorporated in  
8 this Commonwealth, upon terms and conditions the department  
9 deems proper, the privilege to construct, maintain, and  
10 operate their lines of railway over, along and upon public  
11 highways laid out and in actual use within or bordering on  
12 any State forests if the interests of the Commonwealth will  
13 be benefited by the privilege.

14 (21) To give to municipalities, upon terms and  
15 conditions as the department deems proper, the privilege of  
16 impounding water upon any State forest and of constructing,  
17 maintaining and operating lines of pipes upon and through  
18 State forests for the purpose of conveying water if it is in  
19 the public interest.

20 (22) If there are public roads, regularly established,  
21 running through or bordering upon State forests, to expend  
22 reasonable sums for the maintenance, repair or extension of  
23 the roads as necessary for the proper administration and  
24 protection of State forests.

25 (23) To enter into cooperative agreements with municipal  
26 and private agencies for the prevention and suppression of  
27 forest fires.

28 (24) To grant to public utilities doing business in this  
29 Commonwealth the privilege to construct, maintain and operate  
30 their lines over, along and upon highways and roads which lie

1 within or border on State forests and to grant right of  
2 access to such public utilities to or through State forest  
3 lands in order to bring public utilities to camps and  
4 cottages in State forest lands and to other homes and farms  
5 adjacent to State forest lands.

6 (25) To grant the privilege to construct, maintain and  
7 operate, on and over State-owned or State-leased lands under  
8 the jurisdiction of the department, antennas, towers,  
9 stations, cables and other devices and apparatus helpful,  
10 necessary or required for telecommunication. The department  
11 may charge for the privilege as the conditions and  
12 circumstances warrant.

13 (26) To lease, with the approval of the Governor, State  
14 forest lands for the underground storage of natural gas, upon  
15 terms and conditions as the department deems to be in the  
16 best interest of the Commonwealth.

17 (27) To lease, with the approval of the Governor, in  
18 cooperation with the Department of Commerce and upon terms  
19 and conditions as the department deems in the best interest  
20 of the Commonwealth, State forest lands acquired by gift from  
21 The Pennsylvania State University and State forest lands in  
22 Quehanna, Pennsylvania, acquired from the Curtiss-Wright  
23 Corporation or recovered through the termination of a lease  
24 with Curtiss-Wright Corporation relating to Quehanna,  
25 Pennsylvania, upon which are erected certain industrial  
26 buildings constructed by the Curtiss-Wright Corporation for  
27 industrial or economic development purposes or for nuclear  
28 reactor safety zone purposes. A lease under this paragraph  
29 may be made with industrial tenants or nonprofit industrial  
30 development corporations. A lease under this paragraph shall

conform in general to the terms of the standard industrial lease used by the department and approved by the Attorney General. All paved roads through the Quehanna project shall remain open to general public use. A lease under this paragraph may permit the tenant to alter or expand, at its own expense and with the written approval of the department, existing buildings to meet the requirements of its particular industrial operation. A lease under this paragraph must provide for the deposit of industrial floor space rentals and sewage and water rentals in a restricted receipts fund, from which the department may draw money for use in developing, operating and maintaining the water and sewage disposal facilities in the leased tract and replacing machinery, equipment and fixtures appurtenant to those facilities. The restricted receipts fund shall be audited every two years, and any surplus in the fund at the end of the auditing period shall be deposited in the General Fund.

Section 305. State Forest School.

The department has the following powers and duties:

(1) To maintain and operate the Pennsylvania State Forest School at Mont Alto, Pennsylvania.

(2) To carry out paragraph (1), to employ instructors, assign foresters for instruction and employ services reasonably necessary to provide professional education in forestry and maintain a close association of theory and practice and to train forest rangers and forest inspectors.

(3) With the approval of the Governor, to enter into a cooperative agreement with a State-related education institution or an institution which is part of the State System of Higher Education for the joint use of the

1 facilities of the school by the institution and the  
2 department. The agreement shall provide for an equitable  
3 division between the institution and the Commonwealth of the  
4 cost of operating the school and maintaining and repairing  
5 the buildings and equipment used.

6 Section 306. Forest officers.

7 A forest officer employed by the department under this  
8 chapter for the protection of the State forests shall, after  
9 taking the proper official oath or affirmation before the clerk  
10 of a court of common pleas of any judicial district, be vested  
11 with the powers conferred upon constables or other peace  
12 officers.

13 Section 307. Chief Forest Fire Warden.

14 The Chief Forest Fire Warden has, subject to the approval of  
15 the department the following powers and duties:

16 (1) To take measures for the prevention, control and  
17 extinction of forest fires to assure a reasonable protection  
18 from fire to woodlots, forest and wild land within this  
19 Commonwealth.

20 (2) To supervise and manage the forest fire wardens  
21 throughout this Commonwealth and, when necessary, to appoint  
22 individuals to serve without compensation as special or as ex  
23 officio fire wardens. Special or ex officio fire wardens  
24 shall have the same powers as local forest fire wardens, but  
25 their duties may be changed or extended by the chief forest  
26 fire warden. A special or ex officio forest fire warden shall  
27 be entitled to receive the necessary expenses incurred in the  
28 performance of duties.

29 (3) To report to the secretary, as required by the  
30 secretary, on all phases of the work done under the Chief



1 Forest Fire Warden's direction.

2 (4) To collect, with the assistance of the fire wardens,  
3 all of the following:

4 (i) Data as to location, area and fire hazards of  
5 woodlots, forests and wild lands within this  
6 Commonwealth.

7 (ii) Data as to forest fires and losses resulting  
8 from forest fires.

9 (iii) Other data that the Chief Forest Fire Warden  
10 desires to present to the department or to the public.

11 (5) To plan and to put into operation and maintain a  
12 system of fire towers and observation stations which cover  
13 the regions subject to forest fires and to purchase the  
14 necessary materials and equipment and hire the necessary  
15 personnel to implement this paragraph.

16 (6) During dry seasons, as necessary, to appoint forest  
17 fire wardens to patrol regions subject to great fire risk.

18 (7) To enter into agreements with persons, associations  
19 or corporations for forest fire prevention or control.

20 (8) To conduct educational work in relation to the  
21 protection of forests from fire.

22 (9) To approve and transmit to the department bills for  
23 expenses incurred.

24 (10) To declare a public nuisance property which, by  
25 reason of its condition or operation, is a special forest  
26 fire hazard and endangers other property or human life. If  
27 property is declared a public nuisance, the owner of the  
28 property or the person responsible for the condition shall be  
29 advised of the obligation to abate the nuisance. In case of a  
30 railroad, notice shall be served upon the superintendent of

1 the division upon which the nuisance exists.

2 (11) To collect and arrange information concerning  
3 violation of laws relating to the protection of forests from  
4 fire and to present the information to the department, which  
5 shall refer it to the Attorney General for legal action.

6 (12) To issue, to individuals appointed forest fire  
7 wardens, certificates of appointment and, when deemed  
8 advisable, badges.

9 Section 308. District forest fire wardens.

10 A district forest fire warden has the following powers and  
11 duties:

12 (1) To establish headquarters at some advantageous place  
13 within the district.

14 (2) To act as the field representative of the Chief  
15 Forest Fire Warden.

16 (3) To collect and forward to the Chief Forest Fire  
17 Warden data required by the Chief Forest Fire Warden.

18 (4) To make recommendations to the Chief Forest Fire  
19 Warden for the appointment of local forest fire wardens, the  
20 location of towers, the employment of patrol officers, the  
21 regions to be patrolled and other matters which would tend to  
22 improve the protective system.

23 (5) To arrange for annual meetings of forest fire  
24 wardens within the district for instruction in forest fire  
25 matters.

26 (6) To report to the Chief Forest Fire Warden conditions  
27 existing within the district which are or may become forest  
28 fire hazards and to serve notices issued by the Chief Forest  
29 Fire Warden for the correction or removal of the conditions.

30 (7) To receive and audit the reports and accounts of the

1 local forest fire wardens, before submitting them to the  
2 Chief Forest Fire Warden.

3 (8) To act as an inspector of the work of the local  
4 forest fire wardens and to render assistance to them.

5 (9) To conduct educational work for, and develop  
6 cooperation among local agencies and the department for the  
7 prevention and suppression of forest fires.

8 (10) To perform other duties assigned by the secretary  
9 and the Chief Forest Fire Warden.

10 Section 309. Local forest fire wardens.

11 A local forest fire warden has the following powers and  
12 duties:

13 (1) When fire is discovered in or approaching woodlots,  
14 forests or wild lands, to immediately take measures necessary  
15 to extinguish the fire.

16 (2) After a fire has been combated or extinguished, to  
17 prepare a statement of expenses, upon forms to be furnished  
18 by the department, and to file the statement with the  
19 district forest fire warden for submission to the Chief  
20 Forest Fire Warden within 60 days of the date of the fire.

21 (3) To promptly investigate the cause of each fire which  
22 comes to the warden's knowledge, to collect evidence relating  
23 to the fire and to report the results of the investigation to  
24 the Chief Forest Fire Warden.

25 (4) To attend an annual meeting of forest fire wardens  
26 in the district.

27 (5) When designated as a patrol officer or watcher, to  
28 perform duties assigned by the Chief Forest Fire Warden or  
29 the district forest fire warden.

30 Section 310. Forest fire wardens.

1 A forest fire warden has the following powers and duties:

2 (1) To employ individuals necessary to render assistance  
3 in extinguishing forest fires and to compel the attendance of  
4 individuals and to require their assistance in the  
5 extinguishing of forest fires.

6 (2) To administer an oath or affirmation in order to  
7 examine any person whom the warden believes has knowledge of  
8 facts relating to any forest fire or who claims compensation  
9 for services rendered.

10 (3) To enter upon any land at any time for the purpose  
11 of performing duties under this chapter.

12 (4) To arrest without a warrant an individual under  
13 circumstances warranting the reasonable suspicion that the  
14 individual has committed, is committing or is about to commit  
15 an offense under a statute for the protection of forests,  
16 woodlots or wild lands.

17 (5) To exercise the powers and duties set forth in this  
18 section, not only in the jurisdiction of appointment but in  
19 adjacent municipalities.

20 Section 311. Transfer of statutory powers and duties.

21 The department shall assume the powers and duties of the  
22 Department of Environmental Resources under the following  
23 statutes:

24 (1) The act of December 29, 1972 (P.L.1695, No.362),  
25 known as the Parklands Payback Pilot Project Act.

26 (2) The act of April 28, 1978 (P.L.87, No.41), known as  
27 the Pennsylvania Appalachian Trail Act.

28 Section 312. General transfers.

29 (a) General rule.--Personnel, appropriations, equipment,  
30 records, materials, rights and obligations utilized or accruing

1 in connection with the functions transferred under this chapter  
2 are transferred from the Department of Environmental Resources  
3 to the department.

4 (b) Civil service.--The civil service status of employees  
5 transferred by this chapter shall not be affected by the  
6 transfer.

## 7 CHAPTER 5

### 8 DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND PROTECTION

#### 9 Section 501. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Department." The Department of Environmental Conservation  
14 and Protection of the Commonwealth established in section 502.

15 "Secretary." The Secretary of Environmental Conservation and  
16 Protection.

17 "Water obstructions." Any structure located in, along or  
18 across a body of water with a defined bed and banks, and a  
19 perennial or intermittent flow.

#### 20 Section 502. Department.

21 The Department of Environmental Conservation and Protection  
22 is established as an administrative agency. The department shall  
23 be headed by the Secretary of Environmental Conservation and  
24 Protection. The secretary shall be appointed by the Governor,  
25 subject to the approval of two-thirds of the members elected to  
26 the Senate.

#### 27 Section 503. Waters.

28 The department has the following powers and duties:

29 (1) To determine a public policy with regard to:

30 (i) conservation, marketing and equitable

1 distribution of the water and power to be derived from  
2 the utilization of the water resources of this  
3 Commonwealth;

4 (ii) restoration, development and improvement of  
5 transportation by water;

6 (iii) supply of water and power for municipal,  
7 domestic and industrial use; and

8 (iv) conservation of water resources by the aid of  
9 forestation.

10 (2) To investigate water obstructions; to determine  
11 whether they are unsafe, need repair or alteration in their  
12 structure or location, or should be removed; to notify an  
13 owner to make repair, alteration or removal; to make repair,  
14 alteration or removal in emergencies without notice and at  
15 the cost of the owner; and to apply for injunctions to  
16 enforce compliance with or restrain the violation of the law  
17 in regard to the safety and derogatory effect of water  
18 obstructions upon the regimen of streams. The power of the  
19 department under this paragraph shall include all types of  
20 water obstructions, regardless of the date when the  
21 obstruction was constructed and whether or not construction  
22 was with express or implied permission of the Commonwealth.

23 (3) To collect information relative to the existing  
24 conditions of the water resources of this Commonwealth as  
25 necessary for:

26 (i) utilization of waters and for the conservation,  
27 purification, development and equitable distribution of  
28 water and water power resources; and

29 (ii) use of citizens and communities in need of  
30 extended facilities for the purposes set forth in

1           subparagraph (i).

2           (4) To establish and maintain gauging stations on rivers  
3 and their tributaries.

4           (5) To issue bulletins, during freshet and flood  
5 conditions, forecasting gauge heights and the times of the  
6 heights.

7           (6) To maintain a complete inventory of the water  
8 resources of this Commonwealth; to collect pertinent  
9 information in connection with the inventory; to determine,  
10 upon the basis of the inventory, points at which storage  
11 reservoirs may be constructed for flood control, municipal  
12 and domestic supply, hydraulic and hydroelectric power, steam  
13 raising, steam condensation, navigation and other  
14 utilization; and to generally devise possible means to  
15 conserve and develop the water supply and water resources of  
16 this Commonwealth for the use of its citizens.

17          (7) To construct, maintain and operate works for water  
18 storage, flood control, channel improvement or other  
19 hydraulic purposes.

20          (8) To acquire by purchase, lease, gift or condemnation,  
21 with the approval of the Governor, land and improvements  
22 necessary for the construction, maintenance, improvement or  
23 development of ports and harbors in this Commonwealth.

24          (9) To promulgate regulations to protect and manage  
25 recreational use of designated whitewater zones; to license  
26 whitewater outfitters operating within designated whitewater  
27 zones; and to establish fees, royalties and charges for  
28 licenses and for using public lands, waters and facilities.

29               (i) For each specific designated whitewater zone, a  
30 license to operate as a whitewater rafting outfitter

1 shall be issued by the department to a whitewater rafting  
2 outfitter who has provided whitewater rafting services on  
3 a designated whitewater zone for a period of five or more  
4 years, who has provided those services under formal  
5 agreement with the department, who has demonstrated an  
6 acceptable measure of compliance with the safety and  
7 operational requirements of that agreement and who has  
8 provided whitewater rafting services on that designated  
9 whitewater zone prior to operation and management of that  
10 designated whitewater zone through formal agreement with  
11 the department.

12 (ii) Licenses issued by the department to operate as  
13 a whitewater rafting outfitter:

14 (A) shall be for a period of ten years and shall  
15 be renewable under guidelines appropriate and  
16 necessary to protect the public health, safety and  
17 interest and to provide stability to the outfitting  
18 industry;

19 (B) shall be transferrable under reasonable  
20 guidelines of the department relating to transfer of  
21 licenses and required qualifications of transferees;  
22 and

23 (C) shall supersede, after the promulgation of  
24 regulations, any agreement between the department and  
25 a whitewater rafting outfitter, except fee agreements  
26 in which a whitewater rafting outfitter is required  
27 to pay the department a fee, which (fee agreements)  
28 shall continue for the life of the agreement and  
29 shall not preclude the issuance of a license.

30 (iii) The department may, with regard to a specific



1 designated whitewater zone, accept bids, issue licenses  
2 and charge fees and royalties for an additional  
3 whitewater rafting outfitter only if the department  
4 determines that there is additional whitewater rafting  
5 outfitter carrying capacity on the waterway and that  
6 there is a need for additional whitewater rafting  
7 outfitter allocations. Licenses under this paragraph  
8 shall apply only for that specific designated whitewater  
9 zone and only for a period not to exceed ten years.

10 (iv) Licensed whitewater rafting outfitters shall be  
11 subject to all appropriate regulations promulgated by the  
12 department for the purposes of regulating the operation  
13 and safety of each designated whitewater zone.

14 (v) Licenses granted by the department may be  
15 terminated by the department for noncompliance after a  
16 30-day written notice to the outfitter and a hearing in  
17 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to  
18 practice and procedure of Commonwealth agencies) and Ch.7  
19 Subch. A (relating to judicial review of Commonwealth  
20 agency action).

21 Section 504. Water and power resources.

22 The department has the following powers and duties:

23 (1) Subject to inconsistent provisions in the act of  
24 April 9, 1929 (P.L.177, No.175), known as The Administrative  
25 Code of 1929, to continue to exercise the powers and perform  
26 the duties by law vested in and imposed upon the Water Supply  
27 Commission of Pennsylvania, the Water and Power Resources  
28 Board or the Department of Environmental Resources with  
29 regard to:

30 (i) Applications for charters for:

1 (A) corporations for the supply of water for the  
2 public or for the supply, storage and transportation  
3 of water and water power for commercial and  
4 manufacturing purposes; and

5 (B) any other water or water power company.

6 (ii) Agreements for the merger and consolidation of  
7 corporations referred to in subparagraph (i).

8 (iii) The transfer of the franchises and the  
9 property between corporations referred to in subparagraph  
10 (i).

11 (iv) Consents or permits for:

12 (A) the construction of water obstructions or of  
13 a change in or addition to a water obstruction; and

14 (B) changing or diminishing the course, current  
15 or cross section of a body of water.

16 (v) Permits for the condemnation or appropriation of  
17 waters or for the construction of hydraulic works.

18 (vi) Applications for new or additional sources of  
19 supply of water or water power.

20 (vii) Applications by companies for approval of the  
21 construction, operation and maintenance of tunnels under  
22 navigable rivers and for the connection of their power to  
23 manufacturing plants with coal lands wherein such  
24 companies have coal mining rights.

25 (viii) The extension of time fixed by law for the  
26 beginning or completion of the construction of the works  
27 of water or water power companies.

28 (ix) Inquiry into the standing of water or water  
29 power charters and into the due diligence and bona fide  
30 intent of water and water power companies to fulfill the

requirements of law.

(x) Certification of facts to the Attorney General requesting the institution of quo warranto proceedings against water or water power companies.

(2) To complete the construction of a dam across the outlet of Pymatuning Swamp, in Crawford County, for the purpose of establishing a reservoir and conserving the water entering the swamp and regulating the flow of water in the Shenango and Beaver rivers and, in connection with this project, to acquire, in the name of the Commonwealth, by purchase, condemnation or otherwise, needed lands.

(3) To enter into agreements to sell, lease or otherwise dispose of iron, coal, limestone, fire-clay, oil, gas and other minerals, except sand, gravel and minerals deposited as silt in pools created by dams, that are found in or beneath the beds of navigable streams or bodies of water within this Commonwealth and the beds of nonnavigable streams or bodies of water where the beds are owned by the Commonwealth. Sale, lease or disposal shall be on terms and conditions as the department deems to be in the best interest of the Commonwealth. Proposed contracts involving more than \$1,000 shall be awarded to the highest responsible bidder after advertisement prescribed by the board. Nothing in this paragraph shall authorize interference with the free navigation of the streams or bodies of water or to undermine the beds of the streams or bodies of water or with the rights of riparian owners.

#### Section 505. Water supply.

The department has the following powers and duties:

(1) To issue waterworks permits and stipulate the

1 conditions under which water may be supplied to the public.

2 (2) To administer sections 1, 2 and 3 of the act of  
3 April 22, 1905 (P.L.260, No.182), entitled "An act to  
4 preserve the purity of the waters of the State, for the  
5 protection of the public health."

6 (3) To investigate, hold hearings upon and determine any  
7 question of fact regarding the purity of water supplied to  
8 the public by any public utility over which the Pennsylvania  
9 Public Utility Commission has jurisdiction, upon  
10 certification of the question by the commission. The findings  
11 of the department under this paragraph shall be incorporated  
12 into the determination by the commission of the action in  
13 connection with which the question arose and shall be binding  
14 upon the parties to that action.

15 (4) To make a bacteriological examination and report of  
16 any sample of water sent to the department's laboratory at  
17 Philadelphia or Pittsburgh.

18 Section 506. Flood control.

19 The department has the following powers and duties:

20 (1) To study national, State and local flood conditions,  
21 causes and effects and to prepare plans for bringing flood  
22 conditions under adequate and reasonable control and for  
23 saving life and property from damage by flood.

24 (2) To request and receive assistance in administering  
25 this chapter from administrative agencies and political  
26 subdivisions which are charged with control of flood waters.

27 (3) To cooperate with Federal, State and local  
28 governments in planning or accomplishing overall long-term or  
29 short-term flood control, on a national or regional basis.

30 This paragraph includes the preparation or presentation of

1 Federal legislation.

2 Section 507. Nuisances.

3 The department has the following powers and duties:

4 (1) To protect individuals from unsanitary conditions  
5 and other nuisances, including any condition which is  
6 declared to be a nuisance under any law administered by the  
7 department.

8 (2) To investigate nuisances and questions affecting the  
9 security of life and health. Under this paragraph, the  
10 department may make reasonable inspections of real and  
11 personal property during business hours. In administering  
12 this paragraph, employees of the department have the powers  
13 of constables.

14 (3) To order nuisances abated. If the owner or occupant  
15 of the premises fails to comply with an order under this  
16 paragraph, the department may enter upon the premises and  
17 abate the nuisance. The department may bring an action to  
18 recover costs under this paragraph.

19 (4) To cooperate with the Department of Health for the  
20 purpose of avoiding duplication of inspection or overlapping  
21 of functions.

22 Section 508. Topographic and geologic surveys.

23 The department has the following powers and duties:

24 (1) To undertake a survey of this Commonwealth for the  
25 purpose of elucidating geology and topography. The survey  
26 shall disclose chemical analysis and location of water, ore,  
27 coal, oil, clay, soil and fertilizing and other useful  
28 minerals, as necessary to afford the agricultural, mining,  
29 metallurgical and other interests of this Commonwealth and  
30 the public a clear insight into the character of the

resources of this Commonwealth. The survey shall disclose the location and character of rock formations for use in the construction of highways and for other purposes. The surveys shall be organized and maintained for convenient reference.

(2) To enter property for the purpose of survey. Entry shall be made during business hours and no damage to property shall be done.

(3) To avail itself as fully as possible of the information maps and surveys of citizens relative to the geology and topography of this Commonwealth.

(4) To collect copies of the surveys of other states and countries and digest the information contained in them so that the survey may be as thorough, practical and convenient as possible.

(5) To transmit the survey to the Department of General Services to be copyrighted in the name of the Commonwealth.

(6) To arrange for the cooperation of the United States Geological Survey or of such other national organization as may be authorized to engage in such work.

(7) To collect specimens necessary to form a complete cabinet collection of specimens of the geological and mineral resources of this Commonwealth and to deposit the specimens in the State Museum.

Section 509. Cooperation with municipalities.

(a) General rule.--The department shall cooperate with municipalities in the construction and completion of projects and improvements for the conservation of water and the control of floods. For this purpose, the department has the power to expend funds advanced by municipalities under authority of law on the projects and improvements designated.

1 (b) Specific permits.--

2 (1) The department shall require applicants for the  
3 following permits and permit revisions to give written notice  
4 to the municipality in which the activities are located:

5 (i) Air quality permits applied for under the act of  
6 January 8, 1960 (1959 P.L.2119, No.787), known as the Air  
7 Pollution Control Act.

8 (ii) Water allocation permits applied for under the  
9 act of June 24, 1939 (P.L.842, No.365), entitled "An act  
10 relating to the acquisition of rights to divert water  
11 from rivers, streams, natural lakes, and ponds, or other  
12 surface waters within the Commonwealth or partly within  
13 and partly without the Commonwealth; defining various  
14 words and phrases; vesting in the Water and Power  
15 Resources Board certain powers and authorities for the  
16 conservation, control and equitable use of the waters  
17 within the Commonwealth in the interests of the people of  
18 the Commonwealth; making available for public water  
19 supply purposes, water rights heretofore or hereafter  
20 acquired but not used; providing for hearings by the  
21 Water and Power Resources Board and for appeals from its  
22 decisions; fixing fees; granting to all public water  
23 supply agencies heretofore or hereafter created the right  
24 of eminent domain as to waters and the land covered by  
25 said waters; repealing all acts or parts of acts  
26 inconsistent herewith, including Act No.109, Pamphlet  
27 Laws 152, approved April 13, 1905, Act No.307, Pamphlet  
28 Laws 455, approved June 7, 1907, Act No.64, Pamphlet Laws  
29 258, approved April 8, 1937."

30 (iii) Water obstruction permits applied for under

1 the act of November 26, 1978 (P.L.1375, No.325), known as  
2 the Dam Safety and Encroachments Act.

3 (iv) Water quality permits, except permits relating  
4 to coal mining activities, applied for under the act of  
5 June 22, 1937 (P.L.1987, No.394), known as The Clean  
6 Streams Law.

7 (v) Solid waste and hazardous waste permits applied  
8 for under the act of July 7, 1980 (P.L.380, No.97), known  
9 as the Solid Waste Management Act.

10 (2) In the case of notice under paragraph (1)(i) through  
11 (iv), the notice must be received by the municipalities at  
12 least 30 days before the department may issue or deny the  
13 permit. In the case of notice under paragraph (1)(v), the  
14 notice must be received by the municipalities at least 60  
15 days before the department may issue or deny the permit.

16 Section 510. Transfer of statutory powers and duties.

17 The department shall assume the powers and duties of the  
18 Department of Environmental Resources under the following  
19 statutes:

20 (1) Act of June 22, 1937 (P.L.1987, No.394), known as  
21 The Clean Streams Law.

22 (2) Act of January 8, 1960 (1959 P.L.2119, No.787),  
23 known as the Air Pollution Control Act.

24 (3) Act of January 24, 1966 (1965 P.L.1535, No.537),  
25 known as the Pennsylvania Sewage Facilities Act.

26 (4) Act of January 19, 1968 (1967 P.L.996, No.443),  
27 known as The Land and Water Conservation and Reclamation Act.

28 (5) Act of November 18, 1968 (P.L.1052, No.322), known  
29 as the Sewage Treatment Plant and Waterworks Operators'  
30 Certification Act.



1           (6) Act of May 13, 1980 (P.L.122, No.48), known as the  
2 Bluff Recession and Setback Act.

3           (7) Act of July 7, 1980 (P.L.380, No.97), known as the  
4 Solid Waste Management Act.

5           (8) Act of April 5, 1982 (P.L.222, No.71), known as the  
6 Lehigh Scenic River Act.

7           (9) Act of April 29, 1982 (P.L.351, No.97), known as the  
8 French Creek Scenic Rivers Act.

9           (10) Act of June 23, 1982 (P.L.597, No.170), known as  
10 the Wild Resource Conservation Act.

11           (11) Act of December 17, 1982 (P.L.1402, No.324), known  
12 as the Lick Run Wild and Scenic River Act.

13           (12) Act of October 21, 1983, (P.L.171, No.43), known as  
14 the Octoraro Creek Scenic Rivers Act.

15           (13) Act of May 1, 1984 (P.L.206, No.43), known as the  
16 Pennsylvania Safe Drinking Water Act.

17           (14) Act of July 2, 1984 (P.L.561, No.112), known as the  
18 Pennsylvania Conservation Corps Act.

19           (15) Act of July 10, 1984 (P.L.688, No.147), known as  
20 the Radiation Protection Act.

21           (16) Act of February 9, 1988 (P.L.31, No.12), known as  
22 the Low-Level Radioactive Waste Disposal Act.

23           (17) Act of March 30, 1988 (P.L.318, No.42), known as  
24 the LeTort Spring Run Scenic River Act.

25           (18) Act of July 13, 1988 (P.L.525, No.93), referred to  
26 as the Infectious and Chemotherapeutic Waste Law.

27           (19) Act of October 18, 1988 (P.L.756, No.108), known as  
28 the Hazardous Sites Cleanup Act.

29           (20) Act of December 19, 1988 (P.L.1286, No.161), known  
30 as the Tucquan Creek and Bear Run Scenic Rivers Act.

(21) Act of June 16, 1989 (P.L.22, No.7), known as the  
Lower Brandywine Scenic Rivers Act.

(22) Act of July 6, 1989 (P.L.169, No.32), known as the  
Storage Tank and Spill Prevention Act.

(23) 32 Pa.C.S. Ch. 75 (relating to water facilities  
restoration).

Section 511. General transfers.

(a) General rule.--Personnel, appropriations, equipment,  
records, materials, rights and obligations utilized or accruing  
in connection with the functions transferred under this chapter  
are transferred from the Department of Environmental Resources  
to the department.

(b) Civil service.--The civil service status of employees  
transferred by this chapter shall not be affected by the  
transfer.

## CHAPTER 7

### DEPARTMENT OF ENERGY RESOURCES

Section 701. Definitions.

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

"Department." The Department of Energy Resources of the  
Commonwealth established in section 702.

"Processing site." Any of the following:

(1) A site in this Commonwealth, including the mill,  
containing residual radioactive materials at which all or  
substantially all of the uranium was produced for sale to a  
Federal agency prior to January 1, 1971, under a contract  
with a Federal agency.

(2) Real property which is in the vicinity of a site

1 under paragraph (1) and is determined by the Secretary of  
2 Energy to be contaminated with residual radioactive materials  
3 derived from the site.

4 "Secretary." The Secretary of Energy Resources of the  
5 Commonwealth.

6 Section 702. Department.

7 The Department of Energy Resources is established as an  
8 administrative agency. The department shall be headed by the  
9 Secretary of Energy Resources. The secretary shall be appointed  
10 by the Governor, subject to the approval of two-thirds of the  
11 members elected to the Senate.

12 Section 703. Mines.

13 The department has the following powers and duties:

14 (1) To see that the mining laws of the Commonwealth are  
15 faithfully executed. This paragraph includes entry and  
16 inspection of any mine or colliery within this Commonwealth  
17 and the works and machinery connected with the mine.

18 (2) To aid and instruct mine inspectors in the  
19 protection of health and the promotion of safety of  
20 individuals employed in and about the mines.

21 (3) To make examinations and investigations necessary to  
22 enable it to make recommendations upon matters pertaining to  
23 the general welfare of coal miners and others connected with  
24 mining and the interests of mine owners and operators in this  
25 Commonwealth.

26 (4) As necessary in the public interest, to seal or  
27 close or backfill abandoned deep or strip coal mines, to plug  
28 abandoned oil and gas wells, to fill voids in abandoned coal  
29 mines, to drill bore holes, to dig ditches or construct  
30 flumes which would relieve flooding or hazardous conditions

caused by mine water and to extinguish fires in abandoned coal mines and in culm banks.

Section 704. Mine inspectors.

Except as otherwise provided in this chapter, anthracite mine inspectors and bituminous mine inspectors shall, under the direction of the secretary, continue to exercise the powers and perform the duties imposed by law.

Section 705. Natural gas determinations.

The department has the following powers and duties:

(1) To make determinations under sections 501 and 503 of the Natural Gas Policy Act of 1978 (Public Law 95-621, 15 U.S.C. §§ 3311 and 3313) on behalf of the Commonwealth, only to the extent required to comply with Titles I and V of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3301 et seq. and § 3411 et seq.) and the regulations promulgated under those titles.

(2) To implement procedures required for compliance with Titles I and V of the Natural Gas Policy Act of 1978 as they apply to determinations with respect to certification of natural gas wells and production of natural gas in this Commonwealth, taking into account fully the particular facts and circumstances applicable to such activities.

(3) To discharge the functions to be exercised by a "State agency" under Title V of the Natural Gas Policy Act of 1978. This paragraph includes all of the following:

(i) Establishing procedures and general and alternative requirements.

(ii) Promulgating regulations.

(iii) Issuing orders and making specified determinations.

(iv) Establishing reasonable filing fees. Fees collected under this subparagraph shall be deposited in the General Fund.

(v) Executing on behalf of the Commonwealth contracts with appropriate Federal agencies.

(vi) Expending funds available to the department.

(vii) Making reports and certifications.

Section 706. Conflicts of interest.

(a) Prohibition.--

(1) An employee of the department performing any function under the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.) may not have a direct or indirect financial interest in any underground or surface coal mining operation as defined by that act.

(2) An employee of the department performing the function of an oil or gas inspector may not do any of the following:

(i) Act as a manager, employee or agent of any oil or gas drilling operation or of any mine or mining operation.

(ii) Have a pecuniary interest in any oil or gas drilling operation or any mine or mining operation.

(b) Regulations.--The department shall promulgate regulations for enforcement of this section. Regulations shall include appropriate provisions for filing of conflict statements by employees.

(c) Penalty.--A person who knowingly violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to

1 imprisonment for not more than one year, or both.

2 Section 707. Uranium tailings.

3 The department has the following powers and duties:

4 (1) To enter into cooperative agreements with the  
5 Department of Energy under section 103 of the Uranium Mill  
6 Tailings Radiation Control Act of 1978 (Public Law 95-604, 42  
7 U.S.C. § 7913) to perform remedial actions at each processing  
8 site in this Commonwealth by the Secretary of Energy under  
9 that act.

10 (2) To acquire, in consultation with the United States  
11 Government, by purchase or by eminent domain, property or  
12 interest in property necessary for performance of remedial  
13 action under this section.

14 (3) To pay, in cooperation with the United States  
15 Government, to both tenants and owners in fee of property  
16 purchased under paragraph (2), moving and removal expenses  
17 and other damages as are provided for in Article VI of the  
18 act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the  
19 Eminent Domain Code.

20 (4) To dispose of any property or interest in property  
21 acquired under paragraph (2) in accordance with the terms and  
22 conditions of cooperative agreements entered into under  
23 paragraph (1).

24 (5) To perform, in cooperation with the United States  
25 Government, other remedial action as necessary.

26 Section 708. Transfer of statutory powers and duties.

27 The department shall assume the powers and duties of the  
28 Department of Environmental Resources under the following  
29 statutes:

30 (1) Act of May 31, 1945 (P.L.1198, No.418), known as the

1 Surface Mining Conservation and Reclamation Act.

2 (2) Act of June 27, 1947 (P.L.1095, No.472), known as  
3 the Anthracite Strip Mining and Conservation Act.

4 (3) Act of July 17, 1961 (P.L.659, No.339), known as the  
5 Pennsylvania Bituminous Coal Mine Act.

6 (4) Act of November 10, 1965 (P.L.721, No.346), known as  
7 the Pennsylvania Anthracite Coal Mine Act.

8 (5) Act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1),  
9 known as The Bituminous Mine Subsidence and Land Conservation  
10 Act.

11 (6) Act of December 19, 1984 (P.L.1093, No.219), known  
12 as the Noncoal Surface Mining Conservation and Reclamation  
13 Act.

14 (7) Act of December 19, 1984 (P.L.1140, No.223), known  
15 as the Oil and Gas Act.

16 Section 709. General transfers.

17 (a) General rule.--Personnel, appropriations, equipment,  
18 records, materials, rights and obligations utilized or accruing  
19 in connection with the functions transferred under this chapter  
20 are transferred from the Department of Environmental Resources  
21 to the department.

22 (b) Civil service.--The civil service status of employees  
23 transferred by this chapter shall not be affected by the  
24 transfer.

## 25 CHAPTER 9

### 26 MISCELLANEOUS PROVISIONS

27 Section 901. Actions of Department of Environmental Resources.

28 Orders, permits, regulations and other actions of the  
29 Department of Environmental Resources under the authority of  
30 statutes repealed by this act shall remain in full force and

1 effect and shall be deemed the orders, permits, regulations and  
2 other actions of the appropriate agency assuming the functions  
3 of the department under this act.

4 Section 902. Repeals.

5 (a) Specific.--The following provisions of the act of April  
6 9, 1929 (P.L.177, No.175), known as The Administrative Code of  
7 1929, are repealed:

8 (1) Sections 1902-A through 1919-A.

9 (2) Section 1924-A.

10 (3) Sections 1926-A through 1928-A.

11 (b) General.--All other acts and parts of acts are repealed  
12 insofar as they are inconsistent with this act.

13 Section 903. Effective date.

14 This act shall take effect in one year.