

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1557 Session of 2019

INTRODUCED BY GABLER, BERNSTINE, BOROWICZ, BURNS, CAUSER, DUNBAR, IRVIN, KAIL, METCALFE, METZGAR, MOUL, O'NEAL, ORTITAY, PYLE, ROAE, SANKEY, SNYDER, STRUZZI, FRITZ, HEFFLEY, MASSER, KORTZ, TOPPER, MARSHALL, SCHEMEL, ZIMMERMAN, COOK, NELSON AND WARNER, JUNE 4, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 19, 2019

AN ACT

1 Amending the act of September 24, 1968 (P.L.1040, No.318),
2 entitled "An act providing for the protection of the safety,
3 health and welfare of the people, property and public roads
4 and highways of the Commonwealth from conditions on coal
5 refuse disposal areas, or parts thereof, which fail to comply
6 with the established rules, regulations or quality standards
7 adopted to avoid air or water pollution or to protect water
8 supplies, and from the danger of slipping, sliding or burning
9 of coal refuse disposal areas, or parts thereof, sometimes
10 caused by the storage of coal refuse; prescribing for and
11 regulating the operation of coal refuse disposal areas, and
12 parts thereof; prescribing the powers of the Department of
13 Environmental Resources with respect thereto; providing for
14 the power to enjoin the operation of coal refuse disposal
15 areas, or parts thereof, which contain certain conditions;
16 providing for civil and criminal penalties; authorizing the
17 acquisition by condemnation of certain land areas in certain
18 cases; establishing a permit system, authorizing the adoption
19 of rules and regulations, establishing minimum standards ;
20 requiring bonds and for the maintenance of primary
21 jurisdiction over surface coal mining in Pennsylvania;
22 providing incentives for coal refuse disposal activities on
23 previously affected areas; and providing for coal refuse
24 disposal research," further providing for designating areas
25 unsuitable for coal refuse disposal.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

1 Section 1. Section 6.1(i) of the act of September 24, 1968
2 (P.L.1040, No.318), known as the Coal Refuse Disposal Control
3 Act, is amended AND THE SECTION IS AMENDED BY ADDING A <--
4 SUBSECTION to read:

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

7 (i) All new coal refuse disposal areas shall include a
8 system to prevent adverse impacts to surface and ground water
9 and to prevent precipitation from contacting the coal refuse AND <--
10 SHALL ALLOW FOR REVEGETATION AND THE PREVENTION OF EROSION. The
11 system for preventing precipitation from contacting the coal
12 refuse shall be installed, ~~as phases of the coal refuse disposal~~ <--
13 ~~area reach capacity, as specified in the permit, when the~~
14 ~~operator temporarily ceases operation of the coal refuse~~
15 ~~disposal area [for a period in excess of ninety days unless the~~
16 ~~department, for reasons of a labor strike or business necessity,~~
17 ~~approves a longer period that shall not exceed one year] or when~~
18 ~~the operator permanently ceases operation of the coal refuse~~
19 ~~disposal area. The system shall allow for revegetation and the~~
20 ~~prevention of erosion. For the purposes of this act and the~~[,]: <--

21 (1) AS PHASES OF THE COAL REFUSE DISPOSAL AREA REACH
22 CAPACITY[,];

23 (2) AS SPECIFIED IN THE PERMIT[,];

24 (3) WHEN THE OPERATOR TEMPORARILY CEASES OPERATION OF THE
25 COAL REFUSE DISPOSAL AREA FOR A PERIOD IN EXCESS OF NINETY DAYS
26 UNLESS THE DEPARTMENT[, FOR REASONS OF A LABOR STRIKE OR
27 BUSINESS NECESSITY,] APPROVES [A] AN OPERATOR'S REQUEST FOR A
28 LONGER PERIOD [THAT SHALL NOT EXCEED ONE YEAR]; OR

29 (4) WHEN THE OPERATOR PERMANENTLY CEASES OPERATION OF THE
30 COAL REFUSE DISPOSAL AREA. [THE SYSTEM SHALL ALLOW FOR

1 REVEGETATION AND THE PREVENTION OF EROSION.]

2 (J) FOR THE PURPOSES OF THIS ACT AND THE policies, rules and
3 regulations and standards adopted pursuant to this act, the
4 requirements pertaining to temporary cessation of coal refuse
5 disposal areas shall be in conformance with regulations and
6 standards adopted by the Office of Surface Mining Reclamation
7 and Enforcement pursuant to Federal law, namely the Surface
8 Mining Control and Reclamation Act of 1977. HOWEVER, THE <--
9 DEPARTMENT MAY PROMULGATE REGULATIONS TO PROVIDE FOR THE
10 CONNECTION OF COAL REFUSE OR RELATED MATERIAL TO THE COAL REFUSE
11 DISPOSAL AREA.

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