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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2100** Session of  
1984

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INTRODUCED BY SWEET, GEIST, ITKIN, DALEY, HERMAN, JAROLIN,  
TRELLO AND E. Z. TAYLOR, APRIL 30, 1984

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REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
APRIL 30, 1984

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AN ACT

1 Requiring coordination of coal mine and gas well operators;  
2 authorizing Department of Environmental Resources enforcement  
3 powers; and providing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Coal and Gas  
9 Resource Coordination Act.

10 Section 2. Definitions.

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

14 "Active coal mine." Any area permitted by this Commonwealth  
15 for coal mining operations and any area adjacent to such  
16 permitted area where the mine owner or operator has projected  
17 mining operations within five years.

18 Department." The Department of Environmental Resources.

19 "Gas." A natural, manufactured or by-product gas or any  
20 mixture thereof.

21 "Gas Operations Well-Drilling Petroleum and Coal Mining Act."  
22 The act of November 30, 1955 (P.L.756, No.225), known as the Gas  
23 Operations Well-Drilling Petroleum and Coal Mining Act.

24 "Gas well." A well which is producing or capable of  
25 producing marketable quantities of gas and oil with a gas-oil  
26 ratio of more than 100 MCF per bbl. of oil.

27 "Injection well." A well used for injection of gases or  
28 liquids into an underground formation.

29 "Inoperative gas well." A gas well which is not producing  
30 gas and for which the permittee of record has determined and

1 reported to the department pursuant to section 10(b) that the  
2 gas well is of future utility and the permittee reasonably  
3 expects to utilize the well within five years of the date of  
4 this report.

5 "Nonproducing gas well." A gas well that has not been used  
6 to produce, extract or inject any gas within the preceding 24  
7 months and any well for which the equipment necessary for  
8 production, extraction or injection has been removed, except  
9 that it shall not include any gas well waiting for a pipeline,  
10 market or storage or any well designated as an inoperative gas  
11 well or producing well pursuant to this act.

12 "Oil." Crude petroleum oil and all other hydrocarbons,  
13 regardless of gravity, produced at a well in liquid form by  
14 ordinary production methods, but does not include liquid  
15 hydrocarbons that were originally in a gaseous phase in the  
16 reservoir.

17 "Oil and Gas Conservation Law." The act of July 25, 1961  
18 (P.L.825, No.359), known as the Oil and Gas Conservation Law.

19 "Oil well." A well which produces oil in marketable  
20 quantities but has an insufficient amount of gas to be saleable.

21 "Onondaga horizon." The top of the onondaga formation,  
22 except in those areas in which the onondaga formation is not  
23 present, and in such areas the term shall be understood to mean  
24 either the top of the stratigraphic horizon first appearing in  
25 the interval of the missing onondaga formation, or where strata  
26 older than the top of the onondaga are exposed at the surface,  
27 then the term "onondaga horizon" shall mean the surface.

28 "Owner." When used in reference to a coal mine, a person who  
29 has an economic interest in a workable coal seam or when used in  
30 reference to gas properties or rights, a person who has an

1 economic interest in the gas rights.

2 "Permittee." The well operator who has received a drilling  
3 permit in accordance with the Gas Operations Well-Drilling  
4 Petroleum and Coal Mining Act.

5 "Person." A natural person, corporation, association,  
6 partnership, receiver, trustee, executor, administrator,  
7 guardian, fiduciary, or other representative of any kind, and  
8 includes any department, agency or instrumentality of this  
9 Commonwealth, or any governmental subdivision thereof.

10 "Producing gas well." A well which is being used for the  
11 production or extraction of gas.

12 "Tract." The contiguous surface acreage encompassed by the  
13 gas rights pursuant to which the gas well is to be drilled.

14 "Well." A bore hole drilled or being drilled primarily for  
15 the purpose of or to be used for producing or extracting oil or  
16 gas and which has not been plugged.

17 "Workable coal seam." A coal seam shown on the Topographical  
18 and Geological Survey of the Department of Environmental  
19 Resources Map 11 capable of being mined by underground methods.  
20 Section 3. Applicability; exclusions.

21 (a) Except as provided in subsection (b), this act shall  
22 apply to all gas wells which penetrate a workable coal seam in  
23 this Commonwealth, including any gas well which penetrates a  
24 workable coal seam on lands owned or administered by the  
25 Commonwealth, or any political subdivision thereof.

26 (b) This act shall not apply to any:

27 (1) Gas well for which a permit is obtained under the  
28 Oil and Gas Conservation Law and which is, in fact, drilled  
29 to a depth which penetrates the onondaga horizon, or, in  
30 those areas where the onondaga horizon is closer to the

1 surface than 3,800 feet, penetrates deeper than 3,800 feet,  
2 even if the well is completed as a gas well which would  
3 otherwise be subject to this act; except to the extent that  
4 such gas wells are considered "other wells" for the purposes  
5 of section 7.

6 (2) Oil well, combination well, injection well or well  
7 drilled to inject gas into or withdraw gas from a gas storage  
8 reservoir, except to the extent that such wells are  
9 considered "other wells" for the purposes of section 7.

10 (c) Nothing in this act shall be construed to require gas  
11 wells drilled prior to the effective date of this act to comply  
12 with the minimum distance requirements of section 7.

#### 13 Section 4. Powers and duties of department.

14 (a) The department shall have authority over all persons and  
15 property necessary to effectively enforce the provisions of this  
16 act.

17 (b) This act shall not be construed to grant to the  
18 department authority or power to:

19 (1) Limit production or output, or prorate production of  
20 any gas well.

21 (2) Fix prices of natural gas.

22 (c) The powers and duties of the department shall be  
23 strictly construed and limited to those set forth herein.

#### 24 Section 5. Permits.

25 No person shall be issued a permit pursuant to the Gas  
26 Operations Well-Drilling Petroleum and Coal Mining Act to drill  
27 a new gas well unless the provisions of this act are met.

#### 28 Section 6. Permit application.

29 (a) All permit applications made pursuant to the Gas  
30 Operations Well-Drilling Petroleum and Coal Mining Act for a gas

1 well covered by this act shall include a certification that the  
2 gas well will be located so that it will comply with the minimum  
3 distance requirements set forth in section 7, including any  
4 exception granted by the department pursuant to section 7(b),  
5 (c) and (d).

6 (b) All permit applications made pursuant to the Gas  
7 Operations Well-Drilling Petroleum and Coal Mining Act for a gas  
8 well covered by this act shall be processed by the department in  
9 the order in which they are received. No such permit application  
10 shall be deemed complete unless all information necessary to  
11 process the permit in compliance with this act has been received  
12 by the department, including all information necessary to act on  
13 any exception requested pursuant to section 7(b), (c) and (d).

14 (c) In any case where two or more permits have been applied  
15 for or issued by the department, pursuant to the Gas Operations  
16 Well-Drilling Petroleum and Coal Mining Act, for gas wells  
17 covered by this act, and gas wells covered by the permits or  
18 applications cannot be drilled without violating the provisions  
19 of section 7, the department shall notify each affected permit  
20 applicant or permittee.

21 (d) (1) In any case where two or more permits have been  
22 applied for or issued by the department, pursuant to the Gas  
23 Operations Well-Drilling Petroleum and Coal Mining Act for  
24 gas wells covered by this act, and all gas wells covered by  
25 the permits or permit applications cannot be drilled without  
26 violating the provisions of section 7, the first permitted  
27 gas well for which drilling is commenced shall determine  
28 compliance of the remaining proposed gas wells with section  
29 7.

30 (2) Drilling shall be deemed to have commenced for the

1 purposes of this subsection when the permittee has begun  
2 actually drilling with the intent of continuing the drilling  
3 in a workmanlike manner to a formation capable of producing  
4 enough gas to make it economically feasible to complete the  
5 well.

6 Section 7. Minimum distance between gas wells.

7 (a) No permit for a gas well covered by this act may be  
8 issued to drill a new gas well, or reopen a gas well which has  
9 been plugged in accordance with the Gas Operations Well-Drilling  
10 Petroleum and Coal Mining Act, unless the proposed gas well is  
11 located not less than 1,000 feet from any other well and not  
12 less than 330 feet from the boundary of the tract on which the  
13 gas well is to be located. For the purpose of this section  
14 "other well" shall not include any:

15 (1) Oil or gas well or injection well which does not  
16 penetrate a workable coal seam.

17 (2) Oil or gas well or injection well which has been  
18 plugged in accordance with this act.

19 (3) Nonproducing oil or gas well.

20 (b) The department shall, upon request of the permit  
21 applicant or the owner of the workable coal seam which underlies  
22 the proposed gas well, grant an exception from the minimum 1,000  
23 feet distance requirement of subsection (a), where the permit  
24 applicant and the owner of the workable coal seam consent, in  
25 writing. In no case shall the minimum distance between the  
26 proposed gas well and any other well be less than 900 feet  
27 pursuant to this subsection.

28 (c) The department shall, upon the request of the permit  
29 applicant or the owner of the workable coal seam which underlies  
30 the proposed gas well, grant an exception to the requirements of

1 subsection (a), where the vertical distance between the  
2 producing formation of the proposed gas well and the producing  
3 formation of any other well within 1,000 feet of the proposed  
4 gas well is 1,000 feet or greater, where the permit applicant  
5 and the owner of the workable coal seam consent in writing.

6 (d) The department shall, upon request of the permit  
7 applicant, grant an exception from the requirement that a gas  
8 well may not be located less than 330 feet from the boundary of  
9 the tract on which the gas well is to be located if any of the  
10 following conditions are proven:

11 (1) The proposed gas well must be located within 330  
12 feet of the boundary to conform to the requirements of the  
13 Gas Operations Well-Drilling Petroleum and Coal Mining Act.

14 (2) The topography of the tract on which the proposed  
15 gas well is to be located is such that it cannot be located  
16 any place on the tract which is not within 330 feet of the  
17 boundary of the tract.

18 (3) The nature, character or location of the producing  
19 formations sought to be drilled are such that drilling the  
20 gas well more than 330 feet from the boundary of the tract  
21 would not be efficient, economical or would prevent removal  
22 of the maximum amount of gas.

23 (4) Locating the proposed gas well less than 330 feet  
24 from the boundary of the tract is necessary to protect  
25 property or to protect against potential injury to any  
26 natural person.

27 (5) If the proposed gas well must be located within 330  
28 feet to take advantage of any exception pursuant to  
29 subsection (b), (c) or (d).

30 (6) If the proposed gas well must be located within 330



1 feet as the result of any decision of the panel provided for  
2 in section 12.

3 Section 8. Voluntary agreements.

4 The owners of adjoining rights in oil and gas properties may  
5 agree to combine the rights in order to establish a tract to  
6 conform to the requirements of section 7. The agreements shall  
7 be in writing.

8 Section 9. Validity of voluntary agreements.

9 No agreement entered into for the purpose of complying with  
10 section 7 or for the purpose of bringing about the integrated  
11 development or operation of gas properties, shall be held to  
12 violate any statute of this Commonwealth prohibiting monopolies  
13 or acts, arrangements, agreements, contracts, combinations or  
14 conspiracies in restraint of trade or commerce.

15 Section 10. Modification.

16 (a) Within one year of the effective date of this act, the  
17 department shall serve written notice on the permittee of record  
18 of all gas wells permitted under the Gas Operations Well-  
19 Drilling Petroleum and Coal Mining Act and which penetrate a  
20 workable coal seam that the permittee must designate his gas  
21 well as nonproducing, inoperative or producing as those terms  
22 are defined in this act.

23 (b) The permittee shall report his designation of each gas  
24 well within one year of the receipt of the notice provided for  
25 in subsection (a).

26 (c) Any gas well for which the department does not receive a  
27 designation from the permittee shall be classified as a  
28 nonproducing gas well.

29 Section 11. Renewal of inoperative status.

30 A gas well which has been designated as inoperative pursuant

1 to section 10(b) shall be declared a nonproducing gas well by  
2 the department if it does not become a producing gas well within  
3 five years of the date the permittee designates it as  
4 inoperative, unless prior to expiration of the five-year period  
5 the permittee certifies in writing to the department that it  
6 will become a producing gas well within two years and that it  
7 otherwise qualifies as an inoperative gas well as defined in  
8 this act.

9 Section 12. Coordination of gas well drilling through active  
10 coal mines.

11 (a) When a proposed gas well drilling is located above an  
12 active coal mine then the owner of the coal mine may within ten  
13 days from the receipt by the department of the plat and notice  
14 required by the Gas Operations Well-Drilling Petroleum and Coal  
15 Mining Act, file objections in writing to such proposed drilling  
16 with the department, setting out in detail the ground or grounds  
17 upon which the objections are based.

18 (b) If any objection is filed, the department shall notify  
19 the permit applicant of the objections and shall provide the  
20 permit applicant with a copy of the written objections.

21 (c) In the event the well operator and the objecting coal  
22 owner or operator are unable to agree upon a drilling location,  
23 their differences shall be resolved by a panel consisting of one  
24 person selected by the objecting coal owners or operators, a  
25 second person selected by the permit applicant and a third  
26 selected by the other two. Each party shall pay the fee of the  
27 panel member it selects and one-half the fee of the third  
28 member. The panel shall convene a hearing within ten days of a  
29 request to do so by either the permit applicant or the objecting  
30 coal owner or operator.

(d) The parties shall submit their positions to the panel within such time as the panel prescribes. The panel shall receive such written or oral information as it deems appropriate. Based on the information it receives, the panel shall choose the location, if any, on the permit applicant's tract which:

(1) Permits the proposed gas well to be drilled without endangering the safety of persons working in any coal mine.

(2) Allows for the maximum recovery of gas and removal of coal.

In determining what location allows for the maximum recovery of gas and removal of coal, the panel shall weigh the additional cost, including the value of any oil or gas which will be lost, of drilling in a location other than the one designated by the permit applicant against the costs, including the value of coal which will be lost, which will be incurred by the objecting coal owner or operator by allowing the drilling to take place at the location designated by the permit applicant.

(e) The panel shall make its decision within ten days of the close of the hearing and immediately submit it to the department and the parties to this proceeding. The department, if it otherwise approves, shall proceed to issue a permit and the location of the gas well as determined by the panel shall be indicated on the plat on file with the department, and the distance and direction of the new location, if any, from the original location shall be shown and the plat shall be filed and become a permanent record.

(f) Decisions of the panel shall be based on a majority vote.

(g) The decisions of the panel pursuant to subsection (d)

1 shall be final and binding on the department, and no appeal of  
2 the panel's decision may be taken to the Environmental Hearing  
3 Board or the courts of this Commonwealth.

4 Section 13. Plugging gas wells penetrating workable coal seams.

5 (a) The owner or permittee of any nonproducing gas well,  
6 which was permitted after November 30, 1955, shall securely plug  
7 the well using any one of the following techniques depending on  
8 whether the coal protection string of casing has been circulated  
9 and cemented into the surface:

10 (1) Where a coal protection string of casing has been  
11 circulated and cemented into the surface, the well shall be  
12 filled with sand pumpings, mud, or other equally nonporous  
13 material from the bottom of the well to a point 20 feet above  
14 the top of the lowest stratum bearing or having borne oil,  
15 gas or water; or a permanent bridge shall be anchored 30 feet  
16 below the lowest stratum bearing or having borne oil, gas or  
17 water, and from such bridge the well shall be filled with  
18 sand pumpings, mud or other equally nonporous material to a  
19 point 20 feet above such stratum at which point there shall  
20 be placed a plug of expanding cement to a depth of at least  
21 20 feet which will completely seal the hole. A sufficient  
22 lapse of time shall be allowed after the introduction of the  
23 expanding cement for it to set properly before proceeding.  
24 Between this sealing plug and a point 20 feet above the next  
25 higher stratum bearing or having borne oil, gas or water, the  
26 hole shall be either filled, or bridged and filled in the  
27 manner just described and at such point there shall be placed  
28 another similar plug of expanding cement to a depth of at  
29 least 20 feet which will completely seal the hole. In like  
30 manner the hole shall be filled and plugged, or bridged,

1 filled and plugged with reference to each of the strata  
2 bearing or having borne oil, gas or water. Whenever such  
3 strata are not widely separated and are free from water, they  
4 may be grouped and treated as a single horizon and the  
5 aforesaid filling and plugging may be performed as through  
6 there were but one horizon. An expanding cement plug shall be  
7 placed approximately ten feet below the bottom of the largest  
8 casing in the well and from this point to a point  
9 approximately 100 feet below the bottom of coal protection  
10 string of casing, the well shall be filled with sand  
11 pumpings, mud or other equally nonporous material. A 100 foot  
12 plug of expanding cement shall then be placed at a point just  
13 below the coal protection string of casing. After such plug  
14 has been securely placed in the well, the coal protection  
15 string of casing shall be emptied of liquid from the surface  
16 to a point 100 feet below the lowest workable coal seam or to  
17 the bottom of the coal protection string of casing, whichever  
18 is shallower. A vent or other device approved by the  
19 department shall then be installed on top of the coal  
20 protection string of casing in such a manner that will  
21 prevent liquids and solids from entering the well but will  
22 permit access to the full internal diameter of the coal  
23 protection string of casing when required. The coal  
24 protection string of casing and the vent or other device  
25 approved by the department shall extend, when finally in  
26 place, a distance of no less than 72 inches above ground  
27 level and shall be permanently marked with the well number  
28 assigned by the department.

29 (2) Where a coal protection string of casing has not  
30 been circulated and cemented into the surface, the well shall

1 be plugged in the manner provided in paragraph (1), to a  
2 point approximately 200 feet below the lowest workable coal  
3 seam. A 100 foot plug of expanding cement shall then be  
4 placed in the well beginning at the point approximately 200  
5 feet below the lowest workable coal bed and extending to a  
6 point approximately 100 feet below the lowest workable coal  
7 seam. A string of casing with an outside diameter not less  
8 than eight and one half inches shall then be run into the  
9 well to a point approximately 100 feet below the lowest  
10 workable coal seam and such string of casing shall be  
11 circulated and cemented into the surface. The casing shall  
12 then be emptied of liquid from a point approximately 100 feet  
13 below the lowest workable coal seam to the surface and a vent  
14 or other device approved by the department shall be installed  
15 on the top of the string of casing in such a manner that it  
16 will prevent liquids and solids from entering the well but  
17 will permit ready access to the full internal diameter of the  
18 coal protection string of casing when required. The string of  
19 casing and the vent or other device approved by the  
20 department shall extend, when finally in place, a distance of  
21 no less than 72 inches above ground level and shall be  
22 permanently marked with the well number assigned by the  
23 department.

24 (3) Where the coal protection-water string of casing has  
25 been circulated and cemented into the surface, the well may  
26 also be plugged by circulating with bentonite gel or other  
27 equally nonporous material. In such case an expanding cement  
28 plug or plugs shall then be set in such a way that each plug  
29 or plugs will extend from at least 50 feet below each stratum  
30 bearing or having borne oil, gas or water, to a point at

1 least 100 feet above each stratum bearing or having borne  
2 oil, gas or water. The bentonite gel shall separate each  
3 expanding cement plug. Whenever such strata are not widely  
4 separated, they may be grouped or treated as a single stratum  
5 bearing or having borne oil, gas or water and a single  
6 expanding cement plug may be used. When the uncemented  
7 portion of the production string is removed during the  
8 plugging procedure, an expanding cement plug extending from  
9 the point where the production casing is separated to a point  
10 at least 50 feet above the point of separation shall be set.  
11 An expanding cement plug shall be set at a point at least 100  
12 feet below the bottom of the coal protection-water string to  
13 a point at least 100 feet above the bottom of the coal  
14 protection-water string.

15 (4) Where a coal protection-water string of casing has  
16 not been circulated and cemented into the surface, the well  
17 may also be plugged in the manner provided in subsection  
18 (a)(3) to a point approximately 300 feet below the bottom of  
19 the coal protection-water string. In such case a 100-foot  
20 plug of expanding cement shall then be placed in the well  
21 beginning at the point approximately 300 feet below the  
22 bottom of the coal protection-water string and extending to a  
23 point approximately 200 feet below the bottom of the coal  
24 protection-water string. A string of casing with an outside  
25 diameter no less than four and one-half inches shall then be  
26 run into the well to a point approximately 100 feet below the  
27 bottom of the coal protection-water string and such string of  
28 casing shall be circulated and cemented into the surface. The  
29 casing and open hole shall then be emptied of liquid from a  
30 point approximately 200 feet below the bottom of the coal

1 protection-water string to the surface and a vent or other  
2 device approved by the department shall be installed on the  
3 top of the string of casing in such a manner that it will  
4 prevent liquids and solids from entering the well but will  
5 permit ready access to the full internal diameter of the coal  
6 protection string of casing when required. The string of  
7 casing and the vent or other device approved by the  
8 department shall extend, when finally in place, a distance of  
9 no less than 72 inches above ground level and shall be  
10 permanently marked with the well number assigned by the  
11 department.

12 (b) Where the owner or operator of the gas well proposes to  
13 plug a gas well drilled prior to November 30, 1955 or a gas well  
14 permitted after such date but not plugged in accordance with the  
15 provisions of subsection (a), for the purpose of allowing the  
16 mining through of the gas well, the gas well shall be cleaned  
17 out to a depth at least 200 feet below the coal seam in which  
18 the mining through is proposed and, unless impracticable, to a  
19 point 200 feet below the lowest mineable coal seam. Such gas  
20 well shall then be plugged in accordance with subsection (a)(1),  
21 (2), (3) or (4) whichever shall be applicable.

22 (c) Any person may apply to the department for an order  
23 authorizing him to clean out, plug or replug a nonproducing  
24 well. Such application shall be filed with the department and  
25 shall contain the well number, a general description of the well  
26 location, the name and address of the owner of the surface land  
27 upon which the well is located, a copy of or record reference to  
28 a deed, lease or other document which entitles the applicant to  
29 enter upon the surface land, and a description of the method by  
30 which such applicant proposes to clean out and replug or to plug



1 the well. At the time such application is filed with the  
2 department, the person plugging the well shall mail by  
3 registered or certified mail a copy of the application to the  
4 owner or owners of the land, and the oil and gas lessor and  
5 lessee of record, if any, of the site of the well. If no  
6 objection to the plugging or replugging of such well is filed by  
7 any such landowner, lessor or lessee within 30 days after the  
8 filing of the application, and if the applicant proposes to plug  
9 the well in accordance with subsection (a)(1) or (2), whichever  
10 is applicable, then the applicant may proceed with the cleaning  
11 out, plugging or replugging.

12 (d) Notwithstanding the foregoing provisions of this  
13 section, if under particular circumstances a different method of  
14 plugging is required to obtain the approval of the Federal  
15 Government for the safe mining through of said gas well, the  
16 department may approve such different method of plugging if it  
17 finds the same to be as safe for mining through and otherwise  
18 adequate to prevent gas or other fluid migration from the oil  
19 and gas reservoirs as the methods above specified.

20 Section 14. Appeals and enforcement.

21 (a) Appeals of all final actions of the department shall be  
22 taken to the Environmental Hearing Board pursuant to the  
23 provisions of the act of April 9, 1929 (P.L.177, No.175), known  
24 as The Administration Code of 1929.

25 (b) The Environmental Hearing Board shall conduct expedited  
26 hearings and issue its decisions promptly whenever it appears  
27 that delay in issuing a permit or uncertainty with respect to  
28 the validity of a permit will result in the loss of any right,  
29 title, lease, option to lease or other proprietary interest.

30 (c) The courts of common pleas and, in the case an action

1 brought by the department, the Commonwealth Court and courts of  
2 common pleas shall have the power to award injunctions to  
3 prevent violations of this act and to otherwise provide for its  
4 enforcement upon suit brought by the department or by any person  
5 having an interest in a workable coal seam or any owner or  
6 operator of an active coal mine who may be adversely affected by  
7 violations of this act.

8 Section 15. Severability.

9 The provisions of this act are severable. If any provision of  
10 this act or its application to any person or circumstances is  
11 held invalid, the invalidity shall not affect other provisions  
12 or applications of this act which can be given effect without  
13 the invalid provision or application.

14 Section 16. Effective date.

15 This act shall take effect in 90 days.