

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 329 Session of
1989

INTRODUCED BY GEORGE, FEE, FREEMAN, WOZNIAK, LUCYK, BOWLEY,
BROUJOS, MICHLOVIC, BELARDI, LEVDANSKY, DeWEESE, KUKOVICH,
SERAFINI, MICOZZIE, TIGUE, BELFANTI, STABACK, SAURMAN,
BILLOW, CAWLEY, PISTELLA, LAUGHLIN, SALOOM, MELIO, RITTER,
LANGTRY AND GIGLIOTTI, FEBRUARY 8, 1989

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 8, 1989

AN ACT

1 Amending the act of May 31, 1945 (P.L.1198, No.418), entitled,
2 as amended, "An act providing for the conservation and
3 improvement of land affected in connection with surface
4 mining; regulating such mining; providing for the
5 establishment of an Emergency Bond Fund for anthracite deep
6 mine operators; and providing penalties," providing for an
7 appeal process.

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

10 Section 1. Section 4.2(g) of the act of May 31, 1945
11 (P.L.1198, No.418), known as the Surface Mining Conservation and
12 Reclamation Act, amended October 10, 1980 (P.L.835, No.155), is
13 amended and the section is amended by adding a subsection to
14 read:

15 Section 4.2. General Rule Making; Health and Safety.--* * *

16 [(g) In implementing and enforcing this act and in
17 promulgating rules and regulations issued pursuant to this act,
18 the department shall consider the differences among mining of
19 bituminous coal, anthracite coal and noncoal minerals and issue

1 separate regulations for each.]

2 (g) Any operator aggrieved by the secretary's order issued
3 pursuant to subsection (f) shall have the right within thirty
4 (30) days of receipt of such order to appeal to the
5 Environmental Hearing Board. Hearings under this subsection and
6 any subsequent appeal shall be in accordance with section
7 1921(a) of the act of April 9, 1929 (P.L.177, No.175), known as
8 "The Administrative Code of 1929," and 2 Pa.C.S. (relating to
9 administrative law and procedure).

10 (h) If the secretary finds:

11 (1) that immediate replacement of an affected water supply
12 used for potable or domestic needs is required to protect health
13 and safety; and

14 (2) that the operator has appealed or failed to comply with
15 an order issued pursuant to subsection (f).

16 The secretary may, in his discretion, restore or replace the
17 affected water supply with an alternate source of water
18 utilizing moneys from the surface mining conservation and
19 reclamation fund. The secretary shall recover the costs of
20 restoration or replacement, including costs incurred for design
21 and construction of facilities, from the responsible operator or
22 operators. Any such costs recovered shall be deposited in the
23 fund.

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