
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38

Session of
1991

INTRODUCED BY LLOYD, CARONE, STABACK, TRELLO, BILLOW, GIGLIOTTI,
HALUSKA, PISTELLA, D. R. WRIGHT, LAUGHLIN, VEON, PETRARCA,
PESCI, SURRA, COLAIZZO AND TIGUE, JANUARY 15, 1991

REFERRED TO COMMITTEE ON CONSERVATION, JANUARY 15, 1991

AN ACT

1 Establishing a special fund to provide grants to certain
2 universities to provide residential property owners with
3 technical expertise to evaluate claims that surface coal
4 mining has caused damage or affected water supplies; imposing
5 a surcharge on certain fines and permits; and providing for
6 awarding of grants.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Coal Mining
11 Damage Assessment Act.

12 Section 2. Definitions.

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

16 "Council." The Citizens Advisory Council of the Department
17 of Environmental Resources.

18 "Department." The Department of Environmental Resources of
19 the Commonwealth.

1 "Fund." The Coal Mining Damage Assessment Fund established
2 by this act.

3 "University." Any State-owned or State-related university
4 which has an accredited academic program in mining.

5 Section 3. Fund.

6 (a) Creation.--There is hereby created a special fund in the
7 Treasury Department to be known as the Coal Mining Damage
8 Assessment Fund to which shall be credited all surcharges
9 imposed by subsection (b) and any appropriations made by the
10 General Assembly or grants from other sources.

11 (b) Surcharge on fines and fees.--A surcharge in the amount
12 of 20% is hereby imposed on all fines levied by the department
13 for violations of statutes and regulations governing surface
14 coal mining. A surcharge in the amount of 20% is hereby imposed
15 on all fees collected by the department for permits and licenses
16 under the act of May 31, 1945 (P.L.1198, No.418), known as the
17 Surface Mining Conservation and Reclamation Act.

18 Section 4. Grants to universities.

19 (a) Purpose of grants.--The council shall award grants to
20 universities for the purpose of providing residential property
21 owners with access to technical expertise to evaluate claims
22 that surface coal mining has caused, or may cause, structural
23 damage to residences or the diminution of the quality or
24 quantity of residential water supplies.

25 (b) Conditions of grants.--A university which receives a
26 grant under this act shall, as a condition of receipt, agree, at
27 the request of a residential property owner, to do the
28 following:

29 (1) To review a surface coal mining permit application
30 in order to determine the likelihood that the proposed mining

1 would cause structural damage to the owner's residence or
2 would diminish the quality or quantity of the owner's
3 residential water supply.

4 (2) To review a claim of structural damage to the
5 owner's residence or of diminution of the quality or quantity
6 of the owner's residential water supply to determine the
7 likelihood that the damage or diminution was caused by
8 surface coal mining, provided that the department has
9 reviewed the claim and determined either that it is not
10 likely that the damage or diminution was caused by surface
11 coal mining or that there is insufficient evidence on which
12 to base an opinion.

13 (3) To provide a report of its determination under
14 paragraph (1) or (2) to the owner who requested the review,
15 the department, and the applicant for or operator of the
16 surface coal mine.

17 (c) Referral by department.--A residential property owner
18 shall request review pursuant to subsection (b)(1) during the
19 period established for public comment on an application for a
20 surface coal mining permit. The department shall establish a
21 procedure for notifying a residential property owner of his
22 right to request a review pursuant to subsection (b)(1) and
23 shall forward all of the requests related to the same permit
24 application to the same university.

25 (d) Requisition from fund.--The council shall requisition
26 from the fund such amounts as shall be necessary for the grants
27 awarded under this act.

28 Section 5. Annual report.

29 The council shall annually submit a report to the General
30 Assembly regarding grants awarded under this act and the

1 services provided by universities pursuant to those grants.

2 Section 6. Regulations.

3 The council may promulgate regulations to administer this
4 act.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.