

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 55

Special Session No. 1 of
2007-2008

INTRODUCED BY BROOKS, BELFANTI, BENNINGHOFF, BEYER, CLYMER,
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RUBLEY, SAYLOR, SCAVELLO, SIPTROTH, STERN, R. STEVENSON,
SURRA, SWANGER, TURZAI, VULAKOVICH AND YOUNGBLOOD,
FEBRUARY 11, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 11, 2008

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," further providing
7 for mining permit; providing for bioenergy crop bonding; and
8 making editorial changes.

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

11 Section 1. The definitions of "department" and "secretary"
12 in section 3 of the act of May 31, 1945 (P.L.1198, No.418),
13 known as the Surface Mining Conservation and Reclamation Act,
14 are amended to read:

15 Section 3. Definitions.--The following words and phrases,
16 unless a different meaning is plainly required by the context,

1 shall have the following meanings:

2 * * *

3 "Department" shall mean the Department of Environmental
4 [Resources] Protection of the Commonwealth of Pennsylvania.

5 * * *

6 "Secretary" shall mean the Secretary of the Department of
7 Environmental [Resources] Protection of the Commonwealth of
8 Pennsylvania.

9 * * *

10 Section 2. Section 4(a)(2)C of the act, amended December 18,
11 1992 (P.L.1384, No.173), is amended to read:

12 Section 4. Mining Permit; Reclamation Plan; Bond.--(a)
13 Before any person shall hereafter proceed to mine coal by the
14 surface mining method, he shall apply to the department, on a
15 form prepared and furnished by the department, for a permit for
16 each separate operation. The department is authorized to charge
17 and collect from persons a reasonable filing fee. Such fee shall
18 not exceed the cost of reviewing, administering and enforcing
19 such permit. As a part of each application for a permit, the
20 operator shall, unless modified or waived by the department for
21 cause, furnish the following:

22 * * *

23 (2) Reclamation Plan. A complete and detailed plan for the
24 reclamation of the land affected. Except as otherwise herein
25 provided, or unless a variance for cause is specially allowed by
26 the department as herein provided, each such plan shall include
27 the following:

28 * * *

29 C. A description of the manner in which the operation will
30 segregate and conserve topsoil and if necessary suitable subsoil

1 to establish on the areas proposed to be affected a diverse,
2 effective, and permanent vegetative cover of the same seasonal
3 variety native to the area of land to be affected and capable of
4 self-regeneration and plant succession at least equal in extent
5 of cover to the natural vegetation of the area: Provided,
6 however, That introduced species may be used in the revegetation
7 process where desirable and necessary to achieve the approved
8 post-mining land use plan: And provided further, That when the
9 department issues a written finding approving a long-term,
10 intensive, agricultural post-mining land use as part of the
11 permit application, the department may grant an exception to the
12 requirements of this clause. For areas previously disturbed by
13 surface mining activities that were not reclaimed to the
14 standards of this act, and are proposed for remining, the
15 department may approve a vegetative cover which, at a minimum,
16 shall not be less than the ground cover existing before
17 redisturbance and shall be adequate to control erosion and
18 achieve an approved post-mining land use. To the extent
19 consistent with this act, the department shall encourage and
20 promote the use of switchgrass and other bioenergy crops for the
21 revegetation of lands affected by surface mining activities and
22 the land so used shall be considered to be cropland for post-
23 mining land use purposes.

24 * * *

25 Section 3. The act is amended by adding a section to read:

26 Section 4.14. Bioenergy Crop Bonding.--To the extent funds
27 are available from the appropriation to the department under
28 section 213 of the act of June 22, 2001 (P.L.979, No.6A), known
29 as the "General Appropriation Act of 2001," for the conservation
30 purpose of providing sum-certain financial guarantees needed to

1 facilitate the implementation of full-cost bonding for a fee
2 and, in the event of forfeiture, to finance reclamation of the
3 forfeited surface mining site in an amount not to exceed the
4 sum-certain guarantee, or to the extent funds are otherwise
5 appropriated, the department shall make available at no cost to
6 the surface mine permittee of a remining site that has
7 revegetated the remining site with switchgrass or other
8 bioenergy crops sum-certain guarantees to cover Stage III
9 reclamation liability for the remining site under the
10 permittee's reclamation bond and, in the event of forfeiture, to
11 finance reclamation of the forfeited surface mining site in an
12 amount not to exceed the sum-certain guarantee.

13 Section 4. Section 18(a.1) of the act, amended May 22, 1996
14 (P.L.232, No.43), is amended to read:

15 Section 18. Surface Mining Conservation and Reclamation
16 Fund; Remining Environmental Enhancement Fund; Remining
17 Financial Assurance Fund; Department Authority for Awarding of
18 Grants.--

19 * * *

20 (a.1) (1) There is hereby created a special fund in the
21 State Treasury to be known as the "Remining Environmental
22 Enhancement Fund." The [Secretary of Environmental Resources]
23 secretary is authorized to transfer at the commencement of each
24 fiscal year a total of one million dollars (\$1,000,000) into the
25 Remining Environmental Enhancement Fund aggregated from the
26 following sources:

27 (i) License and permit fees except reclamation fees paid to
28 the department under this act pursuant to the department's
29 alternate bonding program.

30 (ii) Fines and penalties collected under this act.

1 (iii) Fees, fines and penalties collected pursuant to
2 section 315 of "The Clean Streams Law," including fines and
3 penalties from mining operations collected under section 605 or
4 other provisions of that act.

5 (iv) Fees, fines and penalties collected pursuant to the act
6 of September 24, 1968 (P.L.1040, No.318), known as the "Coal
7 Refuse Disposal Control Act."

8 (v) Fees, fines and penalties collected pursuant to the act
9 of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The
10 Bituminous Mine Subsidence and Land Conservation Act," not
11 including funds received pursuant to section 6(a) of that act.

12 (2) All moneys placed in the Remining Environmental
13 Enhancement Fund and the interest it accrues are hereby
14 appropriated upon authorization by the Governor to the
15 department for the costs of operating a remining and reclamation
16 incentive program, including designating areas suitable for
17 reclamation by remining and establishing and operating a
18 remining operator's assistance program, but not including a bond
19 credit or financial guarantees program.

20 * * *

21 Section 5. Section 19 of the act, amended October 10, 1980
22 (P.L.835, No.155), is amended to read:

23 Section 19. Repealer.--All acts or provisions thereof
24 inconsistent herewith are hereby repealed: Provided, however,
25 That the act of Assembly, approved the eighteenth day of June,
26 Anno Domini one thousand nine hundred forty-one (Pamphlet Laws,
27 one hundred thirty-three), entitled "An act relating to coal
28 stripping operations; providing for the health and safety of
29 persons employed therein and for the inspection and regulation
30 of such operations by the Department of Mines; requiring certain

1 information and reports, and prescribing penalties," and the act
2 of Assembly, approved on the twenty-fifth day of June, Anno
3 Domini one thousand nine hundred thirty-seven (Pamphlet Laws,
4 two thousand two hundred seventy-five), entitled "An act to
5 promote safety for the traveling public on State highways; to
6 extend the responsibility for subsidence of such highways by the
7 failure of vertical and lateral support, and declaring said
8 subsidence a public nuisance; to provide for inspection of mine
9 maps by the Department of Highways, and the furnishing to said
10 department of copies of such mine maps in certain cases; to
11 authorize entry by the Department of Highways into mines in
12 certain cases; and to provide for notices to the Department of
13 Highways of certain mining operations under or adjacent to
14 highways; and providing penalties," and all other acts and
15 provisions thereof, which regulate the mining of bituminous coal
16 shall not be repealed or nullified by this act, but shall remain
17 in full force and effect. Nothing in this act shall be construed
18 to abrogate or modify the power and jurisdiction of the
19 [Department of Environmental Resources] department to make rules
20 and regulations, and to administer the laws of the Commonwealth
21 applicable to open pit mining.

22 Section 6. This act shall take effect in 60 days.