

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1038 Session of 2022

INTRODUCED BY STEFANO AND MENSCH, JANUARY 26, 2022

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 26, 2022

AN ACT

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

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

10 Section 1. Section 19.2(b) of the act of May 31, 1945
11 (P.L.1198, No.418), known as the Surface Mining Conservation and
12 Reclamation Act, is amended by adding a clause to read:

13 Section 19.2. Land Reclamation Financial Guarantees.--* * *

14 (b) * * *

15 (8) (i) Notwithstanding section 8(a) of the act of June 22,
16 1937 (P.L.1987, No.394), known as "The Clean Streams Law," the
17 following shall be transferred by the department into the
18 Reclamation Fee O&M Trust Account:

19 (A) Civil penalties collected for a violation under section
20 605 of "The Clean Streams Law," which is in any manner connected
21 with or related to a coal mining activity as defined in 25 Pa.

1 Code § 86.1 (relating to definitions).

2 (B) Moneys collected as a result of a violation of any rule,
3 regulation or order of the department or condition of any permit
4 issued under "The Clean Streams Law," which is in any manner
5 connected with or related to a coal mining activity as defined
6 in 25 Pa. Code § 86.1.

7 (ii) All civil penalties and money specified under this
8 clause shall be used to pay for construction costs and operation
9 and maintenance costs associated with treating postmining
10 pollutional discharges at ABS Legacy Sites as defined in 25 Pa.
11 Code § 86.1.

12 * * *

13 Section 2. Repeals are as follows:

14 (1) The General Assembly declares that the repeal under
15 paragraph (2) is necessary to effectuate the addition of
16 section 19.2(b)(8) of the act.

17 (2) Section 8(a) of the act of June 22, 1937 (P.L.1987,
18 No.394), known as The Clean Streams Law, is repealed insofar
19 as it is inconsistent with the addition of section 19.2(b)(8)
20 of the act.

21 Section 3. This act shall take effect in 60 days.