

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, GIGLIOTTI AND MRKONIC, FEBRUARY 8, 1989

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 4, 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~~ FURTHER PROVIDING FOR PROCEEDINGS INVOLVING <—
8 CONTAMINATION OR DIMINUTION OF WATER SUPPLIES.

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

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

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

17 ~~{(g) In implementing and enforcing this act and in~~ <—
18 ~~promulgating rules and regulations issued pursuant to this act,~~
19 ~~the department shall consider the differences among mining of~~

1 ~~bituminous coal, anthracite coal and noncoal minerals and issue~~
2 ~~separate regulations for each.]~~

3 (F) (1) ANY SURFACE MINING OPERATOR WHO AFFECTS A PUBLIC OR <—
4 PRIVATE WATER SUPPLY BY CONTAMINATION OR DIMINUTION SHALL
5 RESTORE OR REPLACE THE AFFECTED SUPPLY WITH AN ALTERNATE SOURCE
6 OF WATER ADEQUATE IN QUANTITY AND QUALITY FOR THE PURPOSES
7 SERVED BY THE SUPPLY. IF ANY OPERATOR SHALL FAIL TO COMPLY WITH
8 THIS PROVISION, THE SECRETARY MAY ISSUE SUCH ORDERS TO THE
9 OPERATOR AS ARE NECESSARY TO ASSURE COMPLIANCE.

10 ~~(g)~~ (2) Any operator aggrieved by the secretary's order <—
11 issued pursuant to subsection (f) THIS SUBSECTION shall have the <—
12 right within thirty (30) days of receipt of such order to appeal
13 to the Environmental Hearing Board. Hearings under this
14 subsection and any subsequent appeal shall be in accordance with
15 section 1921(a) of the act of April 9, 1929 (P.L.177, No.175),
16 known as "The Administrative Code of 1929," and 2 Pa.C.S.
17 (relating to administrative law and procedure).

18 ~~(h)~~ (3) If the secretary finds: <—

19 ~~(1)~~ (I) that immediate replacement of an affected water <—
20 supply used for potable or domestic needs is required to protect
21 health and safety; and

22 ~~(2)~~ (II) that the operator has appealed or failed to comply <—
23 with an order issued pursuant to subsection (f) THIS SUBSECTION; <—
24 the secretary may, in his discretion, restore or replace the
25 affected water supply with an alternate source of water
26 utilizing moneys from the surface mining conservation and
27 reclamation fund. The secretary shall recover the costs of
28 restoration or replacement, including costs incurred for design
29 and construction of facilities, from the responsible operator or
30 operators. Any such costs recovered shall be deposited in the

1 fund.

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