

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1847 Session of
2009

INTRODUCED BY HARHAI, SOLOBAY, DeWEESE, GEORGE, CARROLL, CAUSER,
CHRISTIANA, CLYMER, ELLIS, GEIST, GIBBONS, GRUCELA,
HENNESSEY, KORTZ, KULA, OBERLANDER, PYLE, REED, REICHLEY,
SIPOTROTH, STERN, STEVENSON, WHITE AND YOUNGBLOOD,
JULY 10, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JULY 10, 2009

AN ACT

1 Amending the act of September 24, 1968 (P.L.1040, No.318),
2 entitled, as amended, "An act providing for the protection of
3 the safety, health and welfare of the people, property and
4 public roads and highways of the Commonwealth from conditions
5 on coal refuse disposal areas, or parts thereof, which fail
6 to comply with the established rules, regulations or quality
7 standards adopted to avoid air or water pollution or to
8 protect water supplies, and from the danger of slipping,
9 sliding or burning of coal refuse disposal areas, or parts
10 thereof, sometimes caused by the storage of coal refuse;
11 prescribing for and regulating the operation of coal refuse
12 disposal areas, and parts thereof; prescribing the powers of
13 the Department of Environmental Resources with respect
14 thereto; providing for the power to enjoin the operation of
15 coal refuse disposal areas, or parts thereof, which contain
16 certain conditions; providing for civil and criminal
17 penalties; authorizing the acquisition by condemnation of
18 certain land areas in certain cases; establishing a permit
19 system, authorizing the adoption of rules and regulations,
20 establishing minimum standards ; requiring bonds and for the
21 maintenance of primary jurisdiction over surface coal mining
22 in Pennsylvania; providing incentives for coal refuse
23 disposal activities on previously affected areas; and
24 providing for coal refuse disposal research," further
25 providing for site selection.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

1 Section 1. Section 4.1(a) of the act of September 24, 1968
2 (P.L.1040, No.318), known as the Coal Refuse Disposal Control
3 Act, added December 7, 1994 (P.L.808, No.114), is amended to
4 read:

5 Section 4.1. Site Selection.--(a) Preferred sites shall be
6 used for coal refuse disposal unless the applicant demonstrates
7 to the department another site is more suitable based upon
8 engineering, geology, economics, transportation systems and
9 social factors and is not adverse to the public interest. A
10 preferred site is one of the following:

11 (1) A watershed polluted by acid mine drainage.

12 (2) A watershed containing an unreclaimed surface mine but
13 which has no mining discharge.

14 (3) A watershed containing an unreclaimed surface mine with
15 discharges that could be improved by the proposed coal refuse
16 disposal operation.

17 (4) Unreclaimed coal refuse disposal piles that could be
18 improved by the proposed coal refuse disposal operation.

19 (5) Other unreclaimed areas previously affected by mining
20 activities.

21 (6) An area adjacent to or an expansion of an existing coal
22 refuse disposal site.

23 Where, however, the adverse environmental impacts of the
24 preferred site clearly outweigh the public benefits, the site
25 shall not be considered a preferred site.

26 * * *

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