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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 624 Session of  
2017

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INTRODUCED BY SCARNATI AND YAW, APRIL 13, 2017

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 13, 2017

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AN ACT

1 Amending the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1),  
2 entitled "An act to protect the public health, welfare and  
3 safety by regulating the mining of bituminous coal; declaring  
4 the existence of a public interest in the support of surface  
5 structures; providing a remedy for the restoration or  
6 replacement of water supplies affected by underground mining;  
7 providing a remedy for the restoration or replacement or  
8 compensation for surface structures damaged by underground  
9 mining; providing standards for the prevention of hazards to  
10 human safety and material damage to certain structures;  
11 requiring permits, and in certain circumstances bonds, for  
12 the mining of bituminous coal; providing for the filing of  
13 maps or plans with recorders of deeds; providing for the  
14 giving of notice of mining operations to political  
15 subdivisions and surface landowners of record; requiring mine  
16 inspectors to accompany municipal officers and their agents  
17 on inspection trips; granting powers to public officers and  
18 affected property owners to enforce the act; requiring  
19 grantors to certify as to whether any structures on the lands  
20 conveyed are entitled to support from the underlying coal and  
21 grantees to sign an admission of a warning of the possible  
22 lack of any such right of support; requiring grantors to  
23 provide notice of the existence of voluntary agreements for  
24 the restoration or replacement of water supplies or for the  
25 repair or compensation for structural damage; imposing duties  
26 on the Department of Environmental Resources for the  
27 compilation and analysis of data; and imposing liability for  
28 violation of the act," providing for planned subsidence and  
29 for retroactivity.

30 The General Assembly of the Commonwealth of Pennsylvania  
31 hereby enacts as follows:

32 Section 1. Section 5 of the act of April 27, 1966 (1st

1 Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence  
2 and Land Conservation Act, is amended by adding subsections to  
3 read:

4 Section 5. Permit; application; map or plan; bond or other  
5 security; filing; general rulemaking authority; prevention of  
6 damage; mine stability; maintenance of use and value of lands.--

7 \* \* \*

8 (i) Planned subsidence in a predictable and controlled  
9 manner, which is not predicted to result in the permanent  
10 disruption of existing or designated uses of water of the  
11 Commonwealth shall not be considered presumptive evidence that a  
12 bituminous coal mine subject to this act has the potential to  
13 cause pollution as defined in section 1 of the act of June 22,  
14 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

15 (j) The provisions of subsection (i) shall only apply if a  
16 bituminous coal mine subject to this act:

17 (1) submits a plan to the department that provides for the  
18 mitigation of predicted subsidence-induced impacts; and

19 (2) the plan is approved by the department.

20 Section 2. Section 9.1(d) of the act is amended to read:

21 Section 9.1. Prevention of hazards to human safety and  
22 material damage to certain buildings.--\* \* \*

23 (d) Nothing in this act shall be construed to amend, modify  
24 or otherwise supersede:

25 (1) standards related to prevailing hydrologic balance  
26 contained in the Surface Mining Control and Reclamation Act of  
27 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.) and  
28 regulations promulgated by the Environmental Quality Board for  
29 the purpose of obtaining or maintaining primary jurisdiction  
30 over the enforcement and administration of that act [nor]; and

1       (2) except as provided for under section 5(i), any standard  
2 contained in the act of June 22, 1937 (P.L.1987, No.394), known  
3 as "The Clean Streams Law," or any regulation promulgated  
4 thereunder by the Environmental Quality Board.

5       Section 3. The addition of section 5(i) and (j) and the  
6 amendment of section 9.1(d) of the act shall apply retroactively  
7 to all permits issued under the act that were the subject of an  
8 appeal heard by the Environmental Hearing Board after June 30,  
9 2016.

10       Section 4. This act shall take effect immediately.