

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**No. **624** Session of  
2017

INTRODUCED BY SCARNATI AND YAW, APRIL 13, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 21, 2017

## 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:

1 Section 1. Section 5 of the act of April 27, 1966 (1st  
2 Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence  
3 and Land Conservation Act, is amended by adding subsections to  
4 read:

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

8 \* \* \*

9 (i) ~~Planned~~ IN A PERMIT APPLICATION TO CONDUCT BITUMINOUS <--  
10 COAL MINING OPERATIONS SUBJECT TO THIS ACT, PLANNED subsidence  
11 in a predictable and controlled manner, which is not predicted  
12 to result in the permanent disruption of PREMINING existing or <--  
13 designated uses of ~~water~~ SURFACE WATERS of the Commonwealth <--  
14 shall not be considered presumptive evidence that a THE PROPOSED <--  
15 bituminous coal mine subject to this act has MINING OPERATIONS <--  
16 HAVE the potential to cause pollution as defined in section 1 of  
17 the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean  
18 Streams Law."

19 (j) The provisions of subsection (i) shall only apply if a  
20 bituminous coal mine subject to this act PERSON: <--

21 (1) submits a ~~plan~~ AN APPLICATION TO CONDUCT BITUMINOUS <--  
22 MINING OPERATIONS SUBJECT TO THIS ACT to the department that  
23 provides for the mitigation of predicted subsidence induced <--  
24 ~~impacts~~ RESTORATION OF THE PREMINING RANGE OF FLOWS AND <--  
25 RESTORATION OF PREMINING BIOLOGICAL COMMUNITIES IN ANY WATERS OF  
26 THIS COMMONWEALTH PREDICTED TO BE ADVERSELY AFFECTED BY  
27 SUBSIDENCE. THE RESTORATION SHALL BE CONSISTENT WITH THE  
28 PREMINING EXISTING AND DESIGNATED USES OF THE WATERS OF THIS  
29 COMMONWEALTH; and

30 (2) the ~~plan~~ APPLICATION is approved by the department. <--

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

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

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

6 (1) standards related to prevailing hydrologic balance  
7 contained in the Surface Mining Control and Reclamation Act of  
8 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.) and  
9 regulations promulgated by the Environmental Quality Board for  
10 the purpose of obtaining or maintaining primary jurisdiction  
11 over the enforcement and administration of that act [nor]; and

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

16 Section 3. The addition of section 5(i) and (j) and the  
17 amendment of section 9.1(d) of the act shall apply ~~retroactively~~ <--  
18 to all permits issued under the act ~~that were the subject of an~~ <--  
19 ~~appeal heard by the Environmental Hearing Board after June 30,~~ <--  
20 ~~2016~~ OCTOBER 8, 2005. <--

21 Section 4. This act shall take effect immediately.