

No. 2019-74

AN ACT

HB 1557

Amending the act of September 24, 1968 (P.L.1040, No.318), entitled "An act providing for the protection of the safety, health and welfare of the people, property and public roads and highways of the Commonwealth from conditions on coal refuse disposal areas, or parts thereof, which fail to comply with the established rules, regulations or quality standards adopted to avoid air or water pollution or to protect water supplies, and from the danger of slipping, sliding or burning of coal refuse disposal areas, or parts thereof, sometimes caused by the storage of coal refuse; prescribing for and regulating the operation of coal refuse disposal areas, and parts thereof; prescribing the powers of the Department of Environmental Resources with respect thereto; providing for the power to enjoin the operation of coal refuse disposal areas, or parts thereof, which contain certain conditions; providing for civil and criminal penalties; authorizing the acquisition by condemnation of certain land areas in certain cases; establishing a permit system, authorizing the adoption of rules and regulations, establishing minimum standards; requiring bonds and for the maintenance of primary jurisdiction over surface coal mining in Pennsylvania; providing incentives for coal refuse disposal activities on previously affected areas; and providing for coal refuse disposal research," further providing for designating areas unsuitable for coal refuse disposal.

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

Section 1. Section 6.1(i) of the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, is amended and the section is amended by adding a subsection to read:

Section 6.1. Designating Areas Unsuitable for Coal Refuse Disposal.—\*

\* \*

(i) All new coal refuse disposal areas shall include a system to prevent adverse impacts to surface and ground water and to prevent precipitation from contacting the coal refuse ***and shall allow for revegetation and the prevention of erosion.*** The system for preventing precipitation from contacting the coal refuse shall be installed[,]:

(1) as phases of the coal refuse disposal area reach capacity[,];

(2) as specified in the permit[,];

(3) when the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of ninety days unless the department[, **for reasons of a labor strike or business necessity,**] approves **[a] an operator's request for a** longer period **[that shall not exceed one year];** or

(4) when the operator permanently ceases operation of the coal refuse disposal area. **[The system shall allow for revegetation and the prevention of erosion.]**

***(j) For the purposes of this act and the policies, rules and regulations and standards adopted pursuant to this act, the requirements pertaining to temporary cessation of coal refuse disposal areas shall be in conformance with regulations and standards adopted by the United States Office of***

***Surface Mining Reclamation and Enforcement pursuant to Federal law, namely the Surface Mining Control and Reclamation Act of 1977. However, the department may promulgate regulations to provide for the connection of coal refuse or related material to the coal refuse disposal area.***

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

APPROVED—The 4th day of October, A.D. 2019

TOM WOLF