

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2219 Session of 2020

INTRODUCED BY JAMES, BROOKS, CAUSER, DUNBAR, HEFFLEY, JONES, MILLARD, MOUL, ZIMMERMAN, GOODMAN, SNYDER, IRVIN, STRUZZI, KORTZ, SAINATO, PYLE, LONGIETTI AND SANKEY, JANUARY 15, 2020

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 2020

AN ACT

1 Amending the act of May 31, 1945 (P.L.1198, No.418), entitled
2 "An act providing for the conservation and improvement of
3 land affected in connection with surface mining; regulating
4 such mining; providing for the establishment of an Emergency
5 Bond Fund for anthracite deep mine operators; and providing
6 penalties," further providing for Mining and Reclamation
7 Advisory Board.

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

10 Section 1. Section 18(g) of the act of May 31, 1945
11 (P.L.1198, No.418), known as the Surface Mining Conservation and
12 Reclamation Act, is amended to read:

13 Section 18. Surface Mining Conservation and Reclamation
14 Fund; Remining Environmental Enhancement Fund; Remining
15 Financial Assurance Fund; Department Authority for Awarding of
16 Grants.--* * *

17 (g) There is hereby created a Mining and Reclamation
18 Advisory Board to assist the secretary to expend the funds for
19 the purposes provided by this act and to advise the secretary on

1 all matters pertaining to mining and reclamation which shall
2 include, but not be limited to, experimental practices,
3 alternate methods of backfilling, selection of reclamation
4 projects, alternate reclamation methods, obligations for
5 preexisting pollution liability, alteration of reclamation
6 plans, reclamation fees and bonding rates and methods.

7 (1) [The board shall be comprised of three (3) coal <--
8 operators, two (2) of whom shall be licensed bituminous surface
9 mine operators and one (1) of whom shall be a licensed
10 anthracite surface mine operator; ~~one member who shall be an~~ <--
11 ~~operator or employee of a coal refuse energy and reclamation~~
12 ~~facility;~~ four (4) public members from the Citizens Advisory
13 Council, who shall be appointed by the council; two (2) members,
14 one (1) from the Anthracite and Bituminous Licensed Professional
15 Engineers and one (1) from the County Conservation Districts,
16 who shall be appointed by the State Conservation District
17 Commission; four (4) members of the General Assembly, two (2)
18 from the Senate, one (1) member from the majority party and one
19 (1) member from the minority party, who shall be appointed by
20 the President pro tempore, and two (2) from the House of
21 Representatives, one (1) from the majority party and one (1)
22 from the minority party, who shall be appointed by the Speaker
23 of the House of Representatives.] THE BOARD SHALL BE COMPRISED <--
24 OF THE FOLLOWING MEMBERS:

25 (I) THREE (3) COAL OPERATORS, TWO (2) OF WHOM SHALL BE
26 LICENSED BITUMINOUS SURFACE MINE OPERATORS AND ONE (1) OF WHOM
27 SHALL BE A LICENSED ANTHRACITE SURFACE MINE OPERATOR.

28 (II) FOUR (4) PUBLIC MEMBERS FROM THE CITIZENS ADVISORY
29 COUNCIL, WHO SHALL BE APPOINTED BY THE COUNCIL.

30 (III) TWO (2) MEMBERS, ONE (1) FROM THE ANTHRACITE AND

1 BITUMINOUS LICENSED PROFESSIONAL ENGINEERS AND ONE (1) FROM THE
2 COUNTY CONSERVATION DISTRICTS, WHO SHALL BE APPOINTED BY THE
3 STATE CONSERVATION DISTRICT COMMISSION.

4 (IV) FOUR (4) MEMBERS OF THE GENERAL ASSEMBLY, TWO (2) FROM
5 THE SENATE, ONE (1) MEMBER FROM THE MAJORITY PARTY AND ONE (1)
6 MEMBER FROM THE MINORITY PARTY, WHO SHALL BE APPOINTED BY THE
7 PRESIDENT PRO TEMPORE OF THE SENATE, AND TWO (2) FROM THE HOUSE
8 OF REPRESENTATIVES, ONE (1) FROM THE MAJORITY PARTY AND ONE (1)
9 FROM THE MINORITY PARTY, WHO SHALL BE APPOINTED BY THE SPEAKER
10 OF THE HOUSE OF REPRESENTATIVES.

11 (V) IF A COAL REFUSE ENERGY AND RECLAMATION FACILITY IS
12 OPERATING WITHIN THIS COMMONWEALTH, AN ADDITIONAL ONE (1) MEMBER
13 SHALL BE AN OPERATOR OR EMPLOYE OF THE COAL REFUSE ENERGY AND
14 RECLAMATION FACILITY.

15 (2) The secretary shall chair the Mining and Reclamation
16 Advisory Board and appoint the members from the coal industry,
17 the coal refuse energy and reclamation industry and the member
18 from the Anthracite and Bituminous Licensed Professional
19 Engineers.

20 (3) All members shall be appointed for a term of two (2)
21 years, except that one-half of the initial members shall serve
22 for three (3) years.

23 (4) All actions of the board shall be by majority vote. The
24 board shall meet upon the call of the secretary, but not less
25 than quarterly, to carry out its duties under this act. The
26 board shall select from among its members a chairperson and such
27 other officers as it deems appropriate.

28 (5) The board shall prepare an annual report on its
29 activities and submit the report to the Senate Environmental
30 Resources and Energy Committee and the House Conservation

1 Committee.

2 * * *

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