



pennsylvania environmental council

June 24, 2019

To: Members of the Senate Environmental Resources and Energy Committee
From: John Walliser, Pennsylvania Environmental Council
Re: Opposition to Senate Bill 763 (P.N. 973)

Dear Senators:

On behalf of the Pennsylvania Environmental Council (PEC), I am writing to urge you to **oppose Senate Bill 763** (P.N. 973), which is planned to be considered by the Senate Environmental Resources and Energy Committee Tuesday. This legislation amends the Bituminous Mine Subsidence and Land Conservation Act to severely restrict analysis and reporting on impacts to aquatic resources, public infrastructure, and private structures resulting from underground mining operations.

To provide some history, in 1994 the Bituminous Mine Subsidence and Land Conservation Act was amended to substantially rewrite protections afforded to public resources and private dwellings and water supplies against subsidence from longwall mining. As part of those amendments adopted (commonly referred to as “Act 54”), a new requirement was included for the Department of Environmental Protection (DEP) to report, every five years, on the effectiveness or failures of those reworked protections. This reporting requirement was purposefully included in Act 54 by the General Assembly and stakeholders who participated in the amendment negotiations. PEC was one of those stakeholders and supported the reporting requirement.

Over time, DEP’s reporting – which has been developed with independent research – has demonstrated that the amendments effected by Act 54 have failed to protect aquatic resources. When impacted by subsidence, many of our streams, wetlands, and drinking water sources are not recovering, even with attempted mitigation and restoration work performed by industry. The most recent report (2008-2013) by DEP underscored this reality by revealing a marked increase in long-term and even permanent damage.

We believe the sole purpose of Senate Bill 763 is to curtail the Act’s reporting requirements to intentionally obscure these impacts; which also includes removing the Citizens Advisory Council as a named recipient of the five year report.

With the benefit of this analysis and reporting, it is increasingly clear that the amendments resulting from Act 54 are not sufficient. The General Assembly should work with stakeholders to revisit and strengthen the protections of the Act, and not pass legislation that would work against the public interest.

We strongly urge you to oppose Senate Bill 763. Thank you for your consideration.

Sincerely,

John Walliser
Senior Vice President, Legal and Government Affairs
Pennsylvania Environmental Council