Water Supply Replacement Regulations (Ch 87 & 88)

Mining and Reclamation Advisory Board
July 19, 2018

Tom Wolf, Governor  Patrick McDonnell, Secretary
Status

• April 19, 2018 RLT committee provided comments
• RLT recommended moving forward
• Redraft of Annex based on comments
• Recommendation from full board
Revisions to first draft

• Definitions – *water supply*
  – Tie to pre-mining survey
Revisions to first draft

• 87.47/88.27 Alternative water supply information
  – “…provide notice to water supply owner/user who may be affected” requested deletion
  – Retained
  – Promotes early interaction regarding replacement
Revisions 87.119a/88.107a

- Hydrologic balance: water rights and replacement – reserved
  - Create new section for clarity
  - 87.119a and 88.107a

- Reasonably foreseeable uses
Revisions 87.119a/88.107a

- Water supply surveys
  - Clarify for springs vs wells
  - Coliform, hardness
  - Seasonal variations
  - Submitting results
  - Deletion of “update to original survey required...”
• Presumption

  – Replacement if DEP finds company responsible even if in presumption zone but no premining survey.

  – DEP uses available documentation or minimum quality standards.
Reimbursement

– “Cadillac” system

– Requested change “3 comparable estimates from well drillers”

– New: “3 estimates from water supply installers”
• Adequacy
  – Request to link with premining survey
  – Included in header
  – Excessive maintenance
    • Case law
  – Better than drinking water standards
    • Discussed in meeting
• Increased O&M
  – Ascertain costs
    • Period changed from 6 to 3 months as requested
    • As long as this time gives adequate range

• Memorandum option
  – Department form
• Presumption

  – Denied premining survey is a defense but does not negate potential responsibility

  – Operator does not have to show other cause

  – Timeframe for Department to investigate

    • Request 30 days. New draft 60 days.
Contact

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