
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 875 Session of
2015

INTRODUCED BY BARTOLOTTA, WHITE, VULAKOVICH, YAW, WAGNER,
ARGALL, SCARNATI, VOGEL, YUDICHAK, STEFANO, MENSCH,
HUTCHINSON, ALLOWAY AND COSTA, JUNE 4, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 4, 2015

AN ACT

1 Providing for the use of treated mine water for oil and gas
2 development.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Treated Mine
7 Water Act.

8 Section 2. Findings and declarations.

9 The General Assembly finds and declares as follows:

10 (1) The oil and gas industry needs reliable sources of
11 water to drill, complete and hydraulically fracture
12 conventional and unconventional oil and gas wells.

13 (2) An acceptable source of water for oil and gas
14 development is treated mine water from coal mines.

15 (3) Treated coal mine water can be effectively
16 substituted for fresh water for oil and gas well development,
17 which conserves sources of fresh water.

1 (4) The purpose of this act is to protect a mine
2 operator who provides treated mine water for the development
3 of an oil or gas well from liability for the offsite use of
4 treated mine water and to protect persons who use treated
5 mine water to develop oil and gas wells from liability for
6 the treatment or abatement of mine drainage or mine pool
7 water.

8 Section 3. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Environmental Protection of
13 the Commonwealth.

14 "Mine drainage" or "mine pool water." Water contained in a
15 mine pool or a surface discharge of water caused by mining
16 activity.

17 "Mine operator." The permittee of an active or closed coal
18 mine that treats mine drainage or mine pool water under a permit
19 issued by the department.

20 "Oil or gas well development." The drilling, completion,
21 hydraulic fracturing or other development of a conventional or
22 unconventional oil or gas well.

23 "Treated mine water." Water from an active or closed coal
24 mine that is treated by a mine operator under a permit issued by
25 the department.

26 Section 4. Liability.

27 (a) Immunity.--A mine operator who provides treated mine
28 water from a permitted mining activity site shall be immune from
29 liability for any cost, injury or damage arising out of the use
30 of the treated mine water if all of the following apply:

1 (1) The treated mine water is for use outside the
2 boundaries of the permitted mining activity site.

3 (2) The treated mine water is for oil or gas well
4 development.

5 (3) The mine operator is not the same person using the
6 treated mine water for oil or gas well development.

7 (b) Acquisition.--A person who acquires treated mine water
8 from a mine operator for use in oil or gas well development
9 shall be immune from liability for the treatment or abatement of
10 the mine drainage or mine pool water as a result of acquiring or
11 using treated mine water.

12 (c) Limitation.--Nothing under this act shall limit the
13 liability of a person for unlawful spills or releases of treated
14 mine water caused by the person. Except as provided under
15 subsections (a) and (b), nothing under this act shall relieve a
16 mine operator or a person who acquires treated mine water for
17 use in oil or gas well development from the mine operator's or
18 person's obligations under law.

19 Section 5. Solid waste.

20 Treated mine water that meets the effluent limits of the
21 National Pollutant Discharge Elimination System permit for the
22 source mine and is being used in an oil or gas development
23 project shall not be considered a solid waste as defined in
24 section 103 of the act of July 7, 1980 (P.L.380, No.97), known
25 as the Solid Waste Management Act.

26 Section 6. Effective date.

27 This act shall take effect in 60 days.