



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...”

Revisions 87.119a/88.107a

- Presumption
 - Replacement if DEP finds company responsible even if in presumption zone but no premining survey.
 - DEP uses available documentation or minimum quality standards.

Revisions 87.119a/88.107a

- Reimbursement
 - “Cadillac” system
 - Requested change “3 comparable estimates from well drillers”
 - New: “3 estimates from water supply installers”

Revisions 87.119a/88.107a

- Adequacy
 - Request to link with premining survey
 - Included in header
 - Excessive maintenance
 - Case law
 - Better than drinking water standards
 - Discussed in meeting

Revisions 87.119a/88.107a

- Increased O&M
 - Ascertaining costs
 - Period changed from 6 to 3 months as requested
 - As long as this time gives adequate range
- Memorandum option
 - Department form

Revisions 87.119a/88.107a

- 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.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



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