

May 2, 2017

Re: Senate Bill No. 624

Dear Senator/Representative:

On behalf of the undersigned organizations and our thousands of members and supporters, we strongly urge you to oppose Senate Bill No. 624 ("SB 624"), which seeks to amend the Bituminous Mine Subsidence and Land Conservation Act (commonly referred to as Act 54 or the Mine Subsidence Act).

SB 624 comes on the eve of a decision from the Environmental Hearing Board ("Board") and is a blatant attempt to circumvent the authority and expertise of the Board. The proposed revisions seek to drastically change the Department's express authority and obligation to protect Pennsylvania streams, and it does so for the sole benefit and private profit of the underground coal mining industry. Article III, Section 32 of the Pennsylvania Constitution prohibits these kinds of "special laws." Currently, the Department is obligated to protect a stream's aquatic life uses and the community's ability to use and enjoy the stream from predicted harm. SB 624 seeks to limit the Department's authority in the longwall mining context to evaluating post-mining stream mitigation plans when the operator predicts subsidence-induced flow loss. Simply put, this bill attempts to exempt predicted damage to streams from the Clean Streams Law.

Further, the proposed bill is incompatible with the Department's duties as a trustee of Pennsylvania's public natural resources under Article I, Section 27 of the Pennsylvania Constitution. Pa. Const. Art. I, § 27. Section 27 creates individual environmental rights upon which the government cannot infringe. *Robinson Township, Washington County v. Commonwealth*, 83 A.3d 901 (Pa. 2013).

Protecting streams from predicted subsidence-induced flow loss is necessary to sustain the environment, residents, and economy in the region. Pennsylvania's long-term economic viability depends upon a clean environment and water resources that do not threaten human health, agricultural lands or aquatic life. Signing this bill into law would signal that Pennsylvania values the longwall coal mining industry over the health of our communities.

We strongly urge you to protect coalfield communities by opposing this unwarranted and unconstitutional legislation. Please vote against SB 624 for the benefit of Pennsylvania residents, now and for many generations to come.

Sincerely,