
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **453**

Session of
1961

INTRODUCED BY MESSRS. MURRAY AND WEINER,
APRIL 4, 1961.

REFERRED TO COMMITTEE ON MINES AND MINERAL
INDUSTRIES, APRIL 4, 1961.

AN ACT

Amending the act of June 27 1947 (P L 1095) entitled as amended

“An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining requiring operators to register pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act requiring backfilling of stripping pits and leveling and planting lands

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

affected to prevent erosion and the pollution of waters and to protect public health safety and welfare conferring powers and imposing duties upon the Department of Mines providing for appeals and imposing penalties and making appropriations" further regulating anthracite strip mining operations changing provisions with respect to bonds backfilling restoration permits and registration including certain persons within the provisions of the act and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The title of the act of June 27 1947 (P L 1095) known
2 as the "Anthracite Strip Mining Law" amended August 19 1953 (P L
3 1112) is amended to read

4 An Act

5 Providing for the regulation of mining of anthracite coal by the open
6 pit or strip mining method and for the conservation and im-
7 provement of lands affected directly or indirectly by such mining
8 requiring operators to register pay a license fee and secure a
9 permit to engage in strip mining and file a bond conditioned for
10 compliance with this act requiring backfilling of stripping pits

1 and leveling and planting lands affected to prevent erosion and
2 the pollution of waters and to protect public health safety and
3 welfare conferring powers and imposing duties upon the Depart-
4 ment of Mines and Mineral Industries providing for appeals and
5 imposing penalties and making appropriations

6 Section 2 Sections 3 and 5 of the act amended April 4 1956 (P L.
7 1398) are amended to read

8 Section 3 Definitions The following words and phrases unless a
9 different meaning is plainly required by the context shall have the
10 following meanings

11 "Anthracite" The hard coal mined in the northeasterly part of
12 the Commonwealth of Pennsylvania commonly known as the Anthra-
13 cite Region

14 "Strip Mining" The mining or recovery of coal by removing the
15 material which overlies the coal bed in its natural or previously mined
16 condition

17 "Stripping pit" Any trench cut hole or pit formed by the removal
18 of the surface or coal as a result of strip mining

19 "Operation" One or more stripping pits located on the property

1 embraced within the boundaries of a mine inspection district as out-
2 lined by the Pennsylvania Department of Mines and Mineral Industries
3 Provided That in all cases where a single stripping pit extends across
4 a mine inspection district line such pit will not be considered as two
5 operations because of being located in two mine inspection districts

6 "Operator" A person partnership association or corporation engaged
7 in strip mining of anthracite coal as a principal or who is or becomes
8 the owner of the coal recovered as the result of such strip mining

9 "Spoil banks" The material of whatever nature removed and de-
10 posited on the surface that the underlying coal may be recovered

11 "Department" The Department of Mines and Mineral Industries
12 of the Commonwealth of Pennsylvania

13 "Abandoned" An operation where no coal has been produced or
14 overburden removed for a period of one year verified by monthly re-
15 ports submitted to the department by the operator and by inspections
16 made by mine inspectors unless an operator (upon receipt of notification
17 by the secretary terming an operation abandoned) submits sufficient
18 evidence to the secretary that the operation is in fact not abandoned

19 "Landowner" The person partnership association or corporation

1 private municipal or otherwise in which the legal title to the land is
2 vested

3 "Overburden" The material or strata overlying a seam or seams
4 of anthracite coal in its natural state

5 "Area of land affected" The area of land from which the over-
6 burden is removed and that occupied by the spoil banks

7 "Deep mining" Such mining as is presently carried on by means
8 of slope tunnel drift or shaft without the removal of the overburden

9 Section 5 Any permit issued by the department as required by
10 this act shall remain in force and effect for a period of one (1) year
11 from its date and shall permit the operator to engage in as many opera-
12 tions in each mine inspection district as he may wish during such period
13 of one (1) year and shall remain in force during such period of one
14 (1) year Provided That the operator shall faithfully perform all of the
15 requirements of this act In the event of a violation of the requirements
16 of this act by the operator it shall be the duty of the Secretary of
17 Mines and Mineral Industries to cancel and withdraw such permit

18 Section 3 Section 6 of the act amended May 18 1949 (P L 1471)
19 is amended to read

20 Section 6 The operator shall file with the Department of Mines

1 and Mineral Industries a bond on a form to be prescribed and furnished
2 by the department payable to the Commonwealth and conditioned that
3 the operator shall faithfully perform all the requirements of this act
4 The bond shall be in the amount of [three hundred dollars (\$300)]
5 five hundred dollars (\$500) per acre based upon the number of acres
6 of land which the operator estimates will be the area of land affected
7 by strip mining during one (1) year immediately following the date of
8 the permit issued by the department Provided That no bond shall be
9 for an amount less than [three thousand dollars (\$3000)] five thou-
10 sand dollars (\$5000) Liability under the bond shall be for the duration
11 of strip mining at each operation and for a period of five years there-
12 after unless released prior thereto in the manner hereinafter provided
13 by this act

14 Such bond shall be signed by the operator and a corporate surety
15 licensed to do business in the Commonwealth Provided however That
16 in lieu of a surety bond the operator may file a collateral bond secured
17 by cash in the form of a certified or cashier's check or United States
18 Government securities The cash deposited or the par value of such
19 United States Government securities shall be equal to the amount of
20 the required bond and shall be held upon the same terms and conditions

1 The Secretary of Mines and Mineral Industries shall upon receipt
2 of any such deposit of cash or securities immediately deposit the same
3 with the State Treasurer whose duty it shall be to receive and hold
4 the same in the name of the Commonwealth for the purpose for which
5 such deposit is made The State Treasurer shall at all times be responsi-
6 ble for the safe-keeping of such deposits

7 Any operator making such deposit shall be entitled to receive from
8 the State Treasurer on written order of the Secretary of Mines and
9 Mineral Industries the whole or any portion of any securities so de-
10 posited upon depositing with the department in lieu thereof a surety
11 bond or other United States Government securities of a par value at
12 least equal to the sum required for a bond as aforesaid

13 The operator shall also be entitled upon request to receive from
14 the State Treasurer the interest or income from said securities deposited
15 as aforesaid as the same become due and payable Provided however That
16 where securities deposited as aforesaid mature or are called the State
17 Treasurer at the request of the operator shall convert such securities
18 into other acceptable securities designated by the operator

19 Section 4 Section 7 of the act is amended to read

1 Section 7 Upon application by the operator the permit may be re-
2 newed from year to year so as to cover the number of acres embraced
3 in the original permit which have not been stripped and an additional
4 permit may be issued at any time to the operator to cover acres which
5 are not included in a previous permit and which the operator estimates
6 will be the area of land affected during the following year No license
7 fee shall be charged for a renewal permit and the fee for an additional
8 permit shall be calculated at the rate of twenty-five dollars (\$25) per
9 acre for the number of acres which the operator estimates will be the
10 area of land affected during the following year All such moneys re-
11 ceived by the department shall be deposited in a special fund with the
12 State Treasurer and shall be expended by the Department of Mines
13 and Mineral Industries in payment of the cost of administering the
14 provisions of this act Each application for a permit shall be accompanied
15 by a bond as herein provided

16 Section 5 Sections 8 and 9 of the act amended May 18 1949 (P L.
17 1471) are amended to read

18 Section 8 Within thirty (30) days after the close of the year for
19 which the permit was issued and likewise after the close of each sub-
20 sequent year the operator if he continues to engage in strip mining

1 shall file with the Department of Mines and Mineral Industries a new
2 bond covering such new acres as he may estimate will be affected dur-
3 ing the following year The bond shall be at the rate of [three hundred
4 dollars (\$300)] five hundred dollars (\$500) per acre The bond shall not
5 be less than [three thousand dollars (\$3,000)] five thousand dollars
6 (\$5000) and shall be accompanied by an annual report upon a form
7 furnished by the [Department] department setting forth the number
8 of acres of land affected during the preceding year and the number of
9 acres of land that will be affected during the ensuing year at each opera-
10 tion Provided however That any portion of a bond covering an opera-
11 tion which may remain unencumbered at the end of an operational year
12 may be applied to acres of land which the operator anticipates will be
13 affected during the following year

14 Section 9 Upon receipt of such annual report the Secretary of
15 Mines and Mineral Industries shall make an investigation of the opera-
16 tion and shall charge the area of land actually affected by strip mining
17 during the year for which said report is filed against the bond or de-
18 posit filed by the operator at the rate of [three hundred dollars (\$300)]
19 five hundred dollars (\$500) per acre of the area of land affected but in
20 no case shall the bond or deposit retained by the Secretary of Mines

1 and Mineral Industries be less than [three thousand dollars (\$3,000)]
2 five thousand dollars (\$5000) Should the area of land actually affected
3 exceed the estimate made by the operator at the time of the applica-
4 tion for the permit the operator shall file an additional bond at the
5 rate of [three hundred dollars (\$300)] five hundred dollars (\$500) per
6 acre of the area of land affected over and above his estimate Provided
7 That an additional bond need not be filed where the number of acres
8 of land actually affected multiplied by [three hundred dollars (\$300)]
9 five hundred dollars (\$500) does not exceed the sum of [three thou-
10 sand dollars (\$3,000)] five thousand dollars (\$5,000) If the work con-
11 templated by the permit and bond be not completed but the area of
12 land actually affected by strip mining during the year is less than the
13 estimate the [Secretary] secretary shall issue a release of the excess
14 of the bond or deposit upon which liability has not been charged as
15 aforesaid Provided That in no case shall any bond or deposit be re-
16 leased or reduced to an amount less than [three thousand dollars
17 (\$3,000)] five thousand dollars (\$5,000)

18 Section 6 Section 10 of the act is repealed

19 Section 7 Sections 11 and 12 of the act amended April 4 1956

20 (P L 1398) are amended to read

1 Section 11 The application for a permit shall be accompanied by
2 a map showing the location of any public highway dwelling house or
3 stream of water on or adjacent to the area of land affected The operator
4 shall backfill the operation made by the strip mining operation to a dist-
5 ance of [fifteen (15)] seventy-five (75) feet beyond the boundary line
6 of the right of way of any public highway and to a distance of two
7 hundred (200) feet from any occupied dwelling house public building
8 school church commercial or institutional building The backfilling shall
9 be done in such a manner as to insure lateral support of a public high-
10 way and to provide a slope having an angle not exceeding forty (40)
11 degrees The Department of Mines and Mineral Industries may specify
12 the time within which it shall be completed in order to protect the
13 public safety

14 The permit shall also specify the distance to which the bottom
15 of the spoil banks made by the strip mining operation may approach
16 any stream of water having a well defined channel Such distances shall
17 be fixed by the department at such number of feet as in the judgment
18 of the department after consultation with the Water and Power Re-
19 sources Board taking into consideration the character of the overburden

1 is necessary to protect the channel of the stream

2 Nothing contained in this section shall be construed to prohibit
3 the relocation of any public road in the manner provided by law or
4 the change of the course or channel of any stream in the manner pro-
5 vided by law upon permit issued by the Water and Power Resources
6 Board

7 Section 12 [In any case where a strip mining operation after com-
8 pletion shall leave anthracite exposed the operator shall be required on
9 written order of the department to cover the exposed surface of the
10 anthracite to a depth of five (5) feet in order to prevent the spread of
11 fire to the unmined anthracite] The operator shall be required within
12 one (1) year after a strip mine operation is abandoned to backfill all
13 stripping pits not more than seventy-five (75) feet in depth on an
14 angle of forty-five (45) degrees from the top of the highwall to the
15 bottom thereof In all pits in excess of seventy-five (75) feet in depth
16 backfilling shall be done in a manner agreed upon in writing between
17 the operator and the Secretary of Mines and Mineral Industries prior
18 to the start of the strip mine operation

19 Section 8 Section 14 of the act amended July 2 1953 (P L 338) and
20 August 19 1953 (P L 1112) is amended to read

1 Section 14 In all cases in which the Secretary of Mines and
2 Mineral Industries shall find as a fact that the planting of such areas
3 is reasonable practicable and likely to succeed the peaks and ridges
4 of such spoil banks shall be leveled and rounded off to such an extent
5 as will permit the planting of trees grasses or shrubs Within one (1)
6 year after the strip mining operation on the premises is terminated
7 the operator shall plant trees shrubs or grasses upon the surface of the
8 spoil banks and the surface of backfills Any operator however may at
9 his option pay to the Department of Mines and Mineral Industries
10 the sum of sixty dollars (\$60.00) per acre for each acre of such surface
11 of spoil banks and backfillings and thereby shall be released from any
12 duty to plant as herein provided The moneys so paid from time to time
13 shall be placed in a special fund in the hands of the Treasury Depart-
14 ment of the Commonwealth and shall be used by the Department of
15 Mines and Mineral Industries to pay the cost of planting such trees
16 grasses or shrubs and the supervision of such work and all other ex-
17 penses necessary for or connected with such planting and are hereby
18 appropriated to the Department of Mines and Mineral Industries for
19 such purposes Any moneys remaining unused after such planting may
20 be used for planting any other lands affected by strip mining of

1 anthracite coal All planting required by this act to be done by the
2 operator shall be done subject to the supervision and approval of the
3 Secretary of Mines and Mineral Industries If upon inspection the Sec-
4 retary of Mines and Mineral Industries does not approve the planting
5 he shall notify the operator in writing setting forth the objections
6 and after a hearing shall order the planting to be completed in accord-
7 ance with his final decision [by either the operator or by the Depart-
8 ment of Forests and Waters]

9 Section 9 Section 15 of the act amended April 4 1956 (P L 1398)
10 is amended to read

11 Section 15 Within six (6) months after the backfilling and other
12 acts required by this act have been completed the operator shall file
13 with the Department of Mines and Mineral Industries a completion
14 report on a form to be prescribed and furnished by the secretary
15 identifying the operation and stating the area of land affected by open
16 pit mining and such other information as may be required by the sec-
17 retary before releasing the bond of the operator

18 The operator shall attach to the completion report a map of the
19 operation certified by a registered professional engineer showing the

1 boundary lines of the tract or tracts tidal elevations of the sur-
2 face top of the coal seam and the bottom of the strip mine pit the
3 access to the operation from the nearest public highway the area of
4 land affected by open pit mining the locations preserved for deep min-
5 ing and the proposed plans in connection therewith

6 Section 10 Section 16 of the act amended July 2 1953 (P L 338)
7 and August 19 1953 (P L 1112) is amended to read

8 Section 16 If and when the Secretary of Mines and Mineral
9 Industries shall find that the operator has completed the backfilling and
10 other acts as required by this act [he shall issue a release of the bond
11 or of the cash and securities deposited] and a report is filed by the
12 inspector certifying that it has been done in the manner prescribed
13 by this act the Secretary of Mines and Mineral Industries shall issue
14 a release of the bond or of the cash and securities deposited at the
15 rate of four hundred forty dollars (\$440) per acre in proportion to the
16 area backfilled and leveled The remaining sixty dollars (\$60) per acre
17 shall be retained until such time as the planting is completed and cer-
18 tified to by the forester as being done in a workmanlike manner at
19 which time the remaining sixty dollars (\$60) per acre shall be re-
20 leased Upon the presentation of such release the State Treasurer shall

1 immediately return to the operator the amount of cash or securities
2 specified in its release

3 Section 11 Sections 17 and 18 of the act are amended to read

4 Section 17 If the operator fails or refuses to comply with the re-
5 quirements of the act as to any area for which liability has been provided
6 in the bond the Secretary of Mines and Mineral Industries shall declare
7 such portion of the bond forfeited and shall certify the same to the De-
8 partment of Justice which department shall proceed to sue out and col-
9 lect the amount of liability forfeited thereon and where the operator
10 has deposited cash or securities in lieu of bond the Secretary of Mines
11 and Mineral Industries shall declare such portion of the deposit forfeited
12 and shall direct the State Treasurer to pay said moneys into a special
13 fund for the use of the department or to proceed to sell said securities
14 to the extent forfeited and pay the proceeds thereof into the said special
15 fund Such moneys or securities so forfeited and collected shall be used
16 by the Secretary of Mines and Mineral Industries to pay the cost of
17 backfilling and other acts required by this act and the cost of planting
18 as required by section 14 of this act [and any balance not used for these
19 purposes shall be returned to the operator]

1 Section 18 In the event that an operator or owner desires to con-
2 duct deep mining upon the premises affected by strip mining the said
3 operator or owner may make this fact known to the secretary with the
4 request that the backfilling of pits and the planting as may be necessary
5 to permit deep mining be deferred during the period of such deep min-
6 ing In such case the secretary may defer the backfilling and planting The
7 deep mining shall be started within six (6) months after the recovery of
8 coal by strip mining is completed If such request is made by the owner
9 he shall secure by bond the backfilling of such pit and the planting after
10 the deep mining operation has been completed if the request is made by
11 the operator the bond filed under section 6 of this act shall stand as
12 security for such backfilling and planting

13 Section 12 Section 19 of the act amended July 2 1953 (P L 338) and
14 August 19 1953 (P L 1112) is amended to read

15 Section 19 The right of the operator or of any other person whose
16 property may be adversely affected to a hearing before the making of any
17 final order or adjudication by the Secretary of Mines and Mineral Indus-
18 tries and to appeal therefrom shall exist in accordance with the proce-
19 dure prescribed in the Administrative Agency Law of June 4 1945

1 (Pamphlet Laws 1388) and the Rules of Civil Procedure promulgated
2 by the Supreme Court of this Commonwealth Such rights to a hearing
3 and to appeal shall also be enjoyed by the duly authorized officials of
4 the political subdivision or subdivisions in which the authorized operation
5 is located

6 Section 13 Sections 20 and 21 of the act are amended to read

7 Section 20 The use of explosives for the purpose of blasting in
8 connection with strip mining in the neighborhood of any public high-
9 way stream of water dwelling house public building school church com-
10 mercial or institutional building or pipe line shall be done in accordance
11 with regulations [prescribed] promulgated by and under the supervision
12 of the Department of Mines and Mineral Industries

13 Section 21 Any operator who proceeds to mine coal commonly
14 known as "anthracite" by the strip mining method without having regis-
15 tered and having received a permit as herein provided shall be guilty of a
16 misdemeanor and upon conviction shall be sentenced to pay a fine of not
17 less than five hundred dollars (\$500.00) and not exceeding five thousand
18 dollars (\$5,000.00) or undergo imprisonment not exceeding three months
19 or both The fine shall be payable to the Commonwealth

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved—Theday ofA. D. 1961.

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Governor