

No. 1985-59

## AN ACT

## HB 1002

Amending the act of December 19, 1984 (P.L.1093, No.219), entitled "An act relating to noncoal surface mining conservation and reclamation," authorizing additional exemptions from the definition of "surface mining"; and providing for the treatment of slag.

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

Section 1. The definition of "surface mining" in section 3 of the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, is amended by adding a paragraph to read:

Section 3. Definitions.

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

\* \* \*

"Surface mining." The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term does not include any of the following:

\* \* \*

*(5) The extraction, handling, processing or storing of minerals from any building construction excavation on the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals.*

\* \* \*

Section 2. The act is amended by adding a section to read:

**Section 4.1. Relationship to solid waste.**

*The excavation, processing, handling and short-term storage of slag pursuant to a permit under this act shall not be subject to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, if the slag is residual waste as defined by that act, and regulations promulgated pursuant thereto, and if the slag to be excavated, processed, handled or stored on a short-term basis does not contain solid waste other than slag.*

Section 3. This act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1985.

DICK THORNBURGH