

No. 455

AN ACT

Amending the act of June twenty-seven, one thousand nine hundred forty-seven (Pamphlet Laws 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 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 strip mining operations making changes with respect to backfilling and permits and providing for filing of maps.

Anthracite Strip Mining Law.

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

Sections 3, 4 and 5, act of June 27, 1947, P. L. 1095, amended.

Section 1. Sections three, four and five, act of June twenty-seven, one thousand nine hundred forty-seven (Pamphlet Laws 1095), known as the "Anthracite Strip Mining Law," are amended to read:

Definitions.

Section 3. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Anthracite."—The hard coal mined in the northeasterly part of the Commonwealth of Pennsylvania commonly known as the Anthracite Region.

"Strip Mining."—The mining or recovery of coal by removing the material which overlies the coal bed in its natural or previously mined **condition.

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

"Operation."—One or more stripping pits located on the property embraced within the boundaries of a [colliery] *mine inspection district as outlined by the Pennsylvania Department of Mines*: Provided, That in all cases where a single stripping pit extends across a [colliery property] *mine inspection district* line such pit will not be considered as two operations because of being located [on two colliery properties] *in two mine inspection districts*.

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

* "stripping" in original.

** "conditioned" in original.

“Spoil banks.”—The material of whatever nature removed and deposited on the surface that the underlying coal may be recovered.

“Department.”—The Department of Mines of the Commonwealth of Pennsylvania.

“Landowner.”—The person, partnership, association or corporation, private, municipal or otherwise, in which the legal title to the land is vested.

“Overburden.”—The material or strata overlying a seam or seams of anthracite coal in its natural state.

“Area of land affected.”—The area of land from which the overburden is removed.

“Deep mining.”—Such mining as is presently carried on by means of slope, tunnel, drift or shaft without the removal of the overburden.

Section 4. (A) Application for a permit to engage in strip mining of anthracite *at each operation* shall be made on a form prepared and furnished by the department. Such application shall contain an estimate of the number of acres of land that the operator estimates will be the area of land affected by strip mining *at each operation* by the operator during the year immediately following the date of the permit, and shall be accompanied by a bond *for each operation*, as hereinafter provided, and by a filing or license fee in an amount to be calculated at the rate of twenty-five dollars (\$25.00) per acre, which the operator estimates will be the area of land affected: Provided, That in no case shall the license fee be less than one hundred dollars (\$100.00).

Form of application, fee.

(B) *Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located, a map on a scale of one hundred feet to the inch, showing the location of the operation with respect to the land lines of adjoining properties, together with the location of any public highway, dwelling house or stream of water. An accurate and correct report of the coal produced shall also be furnished the mine inspector in whose district the operation is located not later than the seventh day of each month.*

Map and report to be furnished mine inspector.

If an operator continues to operate beyond one year, the mine inspector shall be furnished with a new map at the end of each year of operation, on which map is outlined the area affected and restored from the date the operation started to the date the map is furnished the inspector.

Section 5. Any permit issued by the department as required by this act shall remain in force and effect for a period of one (1) year from its date, and shall permit the operator to engage in as many operations *in each*

Cancellation of permit.

mine inspection district as he may wish during such period of one (1) year and shall remain in force during such period of one (1) year: Provided, That the operator shall faithfully perform all of the requirements of this act. In the event of a violation of the requirements of this act by the operator it shall be the duty of the Secretary of Mines to cancel and withdraw such permit.

Section 11, act of June 27, 1947, P. L. 1095, amended August 24, 1951, P. L. 1364, further amended.

Backfill required.

Section 2. Section eleven of the act, amended August twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 1364), is amended to read:

Section 11. The application for a permit shall be accompanied by a map showing the location of any public highway, dwelling house or stream of water on or adjacent to the area of land affected. The operator shall backfill the operation made by the strip mining operation to a distance of fifteen (15) feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred (200) feet from any occupied dwelling house, public building, school, church, commercial or institutional building. The backfilling shall be done in such a manner as to insure lateral support of a public highway and to provide a slope having an angle not exceeding forty (40) degrees. [The permit issued shall] *The Department of Mines may* specify the time within which it shall be completed in order to protect the public safety [, and may require such backfilling to be done in part before the completion of the strip mining operation].

Distance of spoil banks from streams of water.

The permit shall also specify the distance to which the bottom of the spoil banks made by the strip mining operation may approach any stream of water having a well defined channel. Such distances shall be fixed by the department at such number of feet as in the judgment of the department, after consultation with the Water and Power Resources Board, taking into consideration the character of the overburden, is necessary to protect the channel of the stream.

Change of location of public road or channel of stream.

Nothing contained in this section shall be construed to prohibit the relocation of any public road, in the manner provided by law, or the change of the course or channel of any stream, in the manner provided by law, upon permit issued by the Water and Power Resources Board.

Section 3. Section twelve of the act, amended July two, one thousand nine hundred fifty-three (Pamphlet Laws 338), is amended to read:

Section 12. In any case where a strip mining operation after completion shall leave anthracite exposed, the

operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite. [Nothing contained in this act shall be construed to mean that the covering material required by this section or material deposited in the stripping pit, whether five (5) feet or more in depth shall be leveled or planted with trees, grasses or shrubs, as provided in section fourteen of this act.]

Exposed anthracite to be covered.

Section 4. Section fifteen of the act is amended to read:

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

Report filed six months after backfilling.

The operator shall attach to the completion report a map of the operation, certified by a registered professional engineer, showing the boundary lines of the tract or tracts, tidal elevations of the surface top of the coal seam and the bottom of the strip mine pit, the access to the operation from the nearest public highway, the area of land affected by open pit mining, the locations preserved for deep mining and the proposed plans in connection therewith.

Certified map of operation to be attached.

APPROVED—The 4th day of April, A. D. 1956.

GEORGE M. LEADER

No. 456

AN ACT

Amending the act of June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for the release of land subdivision improvement encumbrances in certain instances.

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

The Third Class City Code.

Section 1. Section four thousand five, act of June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 932), known as "The Third Class City Code," reenacted and amended June twenty-eight, one thousand nine hundred fifty-one (Pamphlet Laws 662): is amended to read:

Section 4005, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, further amended.

Section 4005. Approval of Plans of Building Lots: Conflict of Jurisdiction.—All plans, plots, or re-plots of

*"follow" in original.