

No. 242

AN ACT

HB 1297

Amending the act of May 31, 1945 (P.L.1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," further regulating planting after operation has been backfilled.

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

Section 1. Section 11, act of May 31, 1945 (P.L.1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," reenacted December 10, 1968 (Act No. 370), is amended to read:

Section 11. Within one year after the operation has been backfilled in compliance with the plan earlier submitted, the operator shall plant trees, ~~[shrubs or] grasses, or grasses and trees or grasses and shrubs~~ upon the land affected by open pit mining: Provided, however, That the operator shall be relieved from the obligation to plant trees, ~~[shrubs or] grasses, or grasses and trees or grasses and shrubs~~ required by this section if the Land Reclamation Board shall find as a fact that such planting is not reasonable, practicable or likely to succeed, or if the Land Reclamation Board, upon application by the landowner, approves the use of the land for a purpose other than the growing of trees, ~~[shrubs or] grasses, or grasses and trees or grasses and shrubs~~, or if the operator, in lieu of planting trees, ~~[shrubs or] grasses, or grasses and trees or grasses and shrubs~~, shall pay to the Secretary of Mines and Mineral Industries ~~[one hundred dollars (\$100.00)] one hundred fifty dollars (\$150.00)~~ per acre of land affected by open pit mining. Funds received by the secretary in lieu of such planting shall be paid by him into the Bituminous Coal Open Pit Mining Reclamation Fund and used by him as hereinafter prescribed for the use of funds derived from the forfeiture ¹of bonds. When deemed necessary, the Land Reclamation Board may extend the period ²for planting trees, ~~[shrubs or] grasses, or grasses and trees or grasses and shrubs~~, beyond the limitations of the period of time provided in this act. Such planting shall be done in accordance with a plan or procedure prescribed by the Land Reclamation Board. The trees, shrubs or grasses shall become the property of the landowner, unless the operator and the landowner agree otherwise. The operator shall plant only seeds, plants or seedlings secured from a source approved by the Land Reclamation Board.

Section 2. This act shall take effect immediately.

¹"of" omitted in original.

²"of" in original.

APPROVED—The 25th day of November, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 242.

A handwritten signature in cursive script, reading "Joseph P. Kelly II". The signature is written in black ink and is positioned above the printed name and title.

Secretary of the Commonwealth.