

No. 243

AN ACT

HB 1320

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 be licensed, to pay license fees, to secure permits to engage in strip mining and to file bonds 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 and Mineral Industries; providing for appeals, and imposing penalties, and making appropriations," further regulating planting upon the surfaces of spoil banks and backfills.

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

Section 1. Section 14, act of June 27, 1947 (P.L.1095), known as the "Anthracite Strip Mining and Conservation Act," amended August 13, 1963 (P.L.781), is amended to read:

Section 14. In all cases in which the Secretary of Mines and Mineral Industries shall find as a fact that the planting of such areas is reasonable, practicable and likely to succeed, the peaks and ridges of such spoil banks shall be leveled and rounded off to such an extent as will permit the planting of trees, grasses, or ~~[shrubs]~~ *grasses and trees or grasses and shrubs*. Within one (1) year after the strip mining operation on the premises is terminated, the operator shall plant trees, ~~[shrubs or]~~ *grasses, or grasses and trees or grasses and shrubs*, upon the surface of the spoil banks and the surface of backfills. Any operator, however, may at his option pay to the Department of Mines and Mineral Industries the sum of ~~[one hundred dollars (\$100)]~~ *one hundred fifty dollars (\$150)* per acre for each acre of such surface of spoil banks and backfillings, and thereby shall be released from any duty to plant as herein provided. The moneys so paid from time to time shall be placed in a special fund in the hands of the Treasury Department of the Commonwealth and shall be used by the Department of Mines and Mineral Industries to pay the cost of planting such trees, grasses ~~[or shrubs,]~~ *or grasses and trees or grasses and shrubs*, and the supervision of such work and all other expenses necessary for or connected with such planting, and are hereby appropriated to the Department of Mines and Mineral Industries for such purposes. Any moneys remaining unused after such planting may be used for planting any other lands affected by strip mining of anthracite coal. All planting, required by this act to be done by the operator, shall be done subject to the supervision and approval of the Secretary of Mines and Mineral Industries. If, upon inspection, the Secretary of Mines and Mineral Industries does not approve the planting, he shall notify the operator in

writing setting forth the objections and after a hearing shall order the planting to be completed in accordance with his final decision.

Section 2. This act shall take effect immediately.

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. 243.

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"objection" in original.

A handwritten signature in cursive script, appearing to read "Joseph P. Kelly".

*Secretary of the Commonwealth.*