
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **144** Session of
1961

INTRODUCED BY MESSRS. STASEY AND FLEMING,
JANUARY 31, 1961.

REFERRED TO COMMITTEE ON MINES & MINERAL
INDUSTRIES, JANUARY 31, 1961.

AN ACT

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" increasing the amount of certain bonds providing for backfilling changing the requirements as to the covering of the exposed face of the unmined coal and making editorial changes

The General Assembly of the Commonwealth of Pennsylvania

heroby enacts as follows

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

1 Section 1 Sections 4 5 8 and 10 act of May 31 1945 (P L 1198)
2 known as the "Bituminous Coal Open Pit Mining Conservation Act"
3 amended May 10 1956 (P L 1562) are amended to read

4 Section 4 Before any operator shall hereafter engage in open pit
5 mining of bituminous coal within the Commonwealth he shall first
6 apply for registration with the Department of Mines and Mineral
7 Industries of this Commonwealth by filing by registered mail or by
8 delivery in person on a form to be provided by the department and
9 giving information sufficient to identify the operator and an estimate
10 of the number of acres of land in each mine inspection district that the
11 operator will affect by open pit mining during the registration year
12 As a part of the application for registration the operator shall furnish
13 in duplicate a map or plan on a scale of not less than four hundred
14 feet to the inch in a manner satisfactory to the Secretary of Mines
15 and Mineral Industries showing the location of the tract or tracts of
16 land to be affected by the operation or operations contemplated If after
17 a registration certificate issues to an operator the operator desires to
18 affect a tract or tracts of land not included in the certificate the oper-
19 ator shall by registered mail or in person so notify the Secretary of

1 Mines and Mineral Industries at least two weeks prior to the com-
2 mencement of operations The Secretary of Mines and Mineral Industries
3 shall promptly acknowledge by registered mail receipt of the application
4 for registration When the requirements of this act are met and no
5 claims are outstanding under this act against the operator or in the
6 case of any corporation against any officer or director a registration
7 certificate shall issue forthwith Contemporaneously with and as a
8 part of said registration application the operator shall file with the
9 Department of Mines and Mineral Industries a bond on a form to be
10 prescribed and furnished by the department payable to the Common-
11 wealth and conditioned that the operator shall faithfully perform all
12 of the requirements of this act The bond shall be in the amount of
13 [three hundred dollars (\$300.00)] four hundred fifty dollars (\$450.00)
14 per acre based upon the number of acres of land in each mine inspec-
15 tion district which the operator estimates will be affected by open pit
16 mining during the registration year Provided That no bond shall be
17 filed for less than [three thousand dollars (\$3000.00)] four thousand
18 five hundred dollars (\$4500.00) Liability under such bond shall be for
19 the duration of open pit mining at each operation and for a period
20 of five years thereafter unless released prior thereto as hereinafter

1 provided Such bond shall be executed by the operator and a corporate
2 surety licensed to do business in the Commonwealth Provided however
3 That the operator may elect to deposit cash or negotiable bonds of the
4 United States Government or the Commonwealth of Pennsylvania the
5 Pennsylvania Turnpike Commission the General State Authority the
6 State Public School Building Authority or any municipality within the
7 Commonwealth with the department in lieu of a corporate surety The
8 cash deposit or market value of such securities shall be equal to the
9 sum of the bond The Secretary of Mines and Mineral Industries shall
10 upon receipt of any such deposit of cash or securities immediately place
11 the same with the State Treasurer whose duty it shall be to receive and
12 hold the same in the name of the Commonwealth in trust for the pur-
13 poses for which such deposit is made The State Treasurer shall at all
14 times be responsible for the custody and safekeeping of such deposits
15 The operator making the deposit shall be entitled from time to time to
16 demand and receive from the State Treasurer on the written order
17 of the Secretary of Mines and Mineral Industries the whole or any
18 portion of any securities so deposited upon depositing with him in lieu
19 thereof other negotiable securities of the classes herein specified having

1 a market value at least equal to the sum of the bond and also to de-
2 mand receive and recover the interest and income from said securities
3 as the same becomes due and payable Provided however That where
4 securities deposited as aforesaid mature or are called the State Treas-
5 urer at the request of the operator shall convert such securities into
6 such other negotiable securities of the classes herein specified as may be
7 designated by the operator Contemporaneous with the filing of said
8 registration certificate application and any renewal thereof the operator
9 shall pay to the department a filing fee of one hundred dollars (\$100.00)
10 Should the area of land affected in any mine inspection district by open
11 pit mining within the registration year exceed the estimate made in
12 the registration certificate application the operator shall within thirty
13 (30) days thereafter file an additional bond Upon receipt of such bond
14 the Secretary of Mines and Mineral Industries shall promptly issue an
15 amended certificate covering the additional acreage covered by such bond
16 but no filing fee shall be required in connection with the filing of such
17 additional bond If the Secretary of Mines and Mineral Industries does
18 not approve the application for registration he shall promptly notify
19 the operator by registered mail setting forth his reasons therefor The
20 operator may then take such steps as are required to remove the

1 objections Any operator who shall be aggrieved by any action of the
2 Secretary of Mines and Mineral Industries under this section may pro-
3 ceed under the provisions of section fourteen of this act If any operator
4 who has filed an application for registration has not received a regis-
5 tration certificate or a notice from the Secretary of Mines and Mineral
6 Industries as to why such application has not been approved within
7 thirty days after the receipt of such application he may engage in
8 open-pit mining of bituminous coal and be deemed in compliance with
9 all provisions of this act The registration provisions of this section shall
10 not apply to an operator registered under the provisions of the act of
11 May thirty-one one thousand nine hundred forty-five (Pamphlet Laws
12 1198) as amended until the anniversary date of the operator's registration

13 Section 5 Operation Report and Backfilling—Within thirty (30)
14 days after starting the removal of overburden at each operation for
15 the removal of coal by open pit mining the operator shall file an opera-
16 tion report with the Department of Mines and Mineral Industries on
17 a form to be prescribed and furnished by the secretary giving the fol-
18 lowing information (a) Name or number of the operation (b) Location
19 of the operation as to county and township and with reference to the

1 nearest public road (c) A description of the tract or tracts and (d) The
2 name and address of the landowner or his duly authorized representative
3 As part of the operations report the operator shall file a map or plan
4 on a scale of not less than four hundred (400) feet to the inch in a
5 manner satisfactory to the Secretary of Mines and Mineral Industries
6 showing the location of the new tract or tracts of land to be affected
7 by the operation or operations and not covered by the original registra-
8 tion application or reregistration application

9 The operator shall backfill the operation made by the open pit min-
10 ing operation to a distance of seventy-five feet beyond the boundary
11 line of the right of way of any public highway and to a distance of
12 two hundred feet from any occupied dwelling house unless released by
13 owner thereof public building school church and community or institu-
14 tional building The backfilling under this section shall be done in such
15 a manner as to insure lateral support and to provide a slope having an
16 angle not exceeding [forty (40)] thirty-five (35) degrees The Depart-
17 ment of Mines and Mineral Industries may specify the time within
18 which it shall be completed in order to protect the public safety

19 Nothing contained in this section shall be construed to prohibit
20 the relocation of any public road in the manner provided by law

1 Section 8 Upon receipt of said completion report or annual report
2 the Secretary of Mines and Mineral Industries shall charge the land
3 affected in each mine inspection district by open pit mining against
4 the bond filed by the operator at the time of registration at the rate
5 of [three hundred dollars (\$300.00)] four hundred fifty dollars
6 (\$450.00) per acre Should the land actually affected in any mine in-
7 spection district by open pit mining within the year exceed the esti-
8 mate made at the time of registration the operator shall within thirty
9 (30) days thereafter file an additional bond Upon receipt of such bond
10 the Secretary of Mines and Mineral Industries shall promptly issue an
11 amended certificate covering the additional acreage covered by such
12 bond If the land actually affected in any mine inspection district by
13 open pit mining during the registration year is less than the estimate
14 made by the operator in the registration certificate application the
15 secretary shall at the end of the registratation year release the surplus
16 of the bond and collateral upon which liability has not been charged as
17 aforesaid Provided That no bond or collateral shall be released be-
18 low [three thousand dollars (\$3000.00)] four thousand five hundred
19 dollars (\$4500.00) in the absence of complete compliance with the re-

1 quirements of this act and should there be a failure of complete com-
2 pliance with the requirements of this act not less than the minimum
3 bond in the amount of [three thousand dollars (\$3000.00)] four thou-
4 sand five hundred dollars (\$4500.00) shall be forfeited

5 Section 10 Within one year after the operation is completed the
6 operator shall place sufficient overburden or earth not containing reject
7 coal or combustible material in the open cut to cover the exposed face
8 of the unmined coal which shall begin at [least three feet above the
9 top of the coal] top of the high wall and shall extend to the bottom
10 of the pit at an angle not to exceed [forty-five (45)] thirty-five (35)
11 degrees [except where open pit mining cuts into active worked out
12 or abandoned deep mine workings the angle shall not exceed forty-five
13 (45) degrees from the top of the high wall to the bottom thereof]
14 and the peaks and ridges of spoilbanks shall be leveled and rounded off
15 to such an extent as will permit the planting of trees grasses or shrubs
16 for the purpose of this section only and for no other provisions of this
17 act high wall mechanical mining shall be considered as open-pit mining
18 Provided however That if the operator or other person desires to con-

1 duct drift mining upon the premises or use the openings for haulage-
2 ways or other lawful purposes the operator may designate locations to
3 be used for such purposes at which places it will not be necessary to
4 so place overburden over the face of the coal until such drift mining
5 or other use is completed during which time that portion of the bond
6 on file at the rate of [three hundred dollars (\$300.00)] four hundred
7 fifty dollars (\$450.00) per acre or fraction thereof applicable to the
8 area designated shall not be released Such locations shall be described
9 in the completion report and designated on the map attached thereto

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 The day of A. D. 1961.

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Governor