

**PROHIBITING MINING IN CERTAIN AREAS**  
**Act of Dec. 22, 1959, P.L. 1994, No. 729**  
AN ACT

Cl. 52

Prohibiting mining in certain areas without prior approval by the Department of Mines and Mineral Industries; establishing standards for the approval of plans for mining in such areas; imposing powers and duties on the mine foremen and the Department of Mines and Mineral Industries; and providing penalties.

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

**Compiler's Note:** Section 3101 of Act 55 of 2008 provided that Act 729 is repealed to the extent that Act 729 applies to bituminous coal mines.

Section 1. Establishment of Safety Zones.--A safety zone is hereby established beneath and adjacent to every stream, river and natural or artificial body of water in the Commonwealth that is sufficiently large to constitute a hazard to mining in the opinion and in the discretion of the department. Such safety zone shall, in the case of such streams and rivers, extend horizontally two hundred feet from the high water mark of each bank. In the case of any other body of water sufficiently large to constitute a hazard to mining in the opinion and in the discretion of the department, it shall extend horizontally two hundred feet from the known perimeter. In any case, the zone shall extend downward to the limit of the workable beds.

Section 2. Written Authorization Needed to Mine Within Safety Zone.--(a) No mining or removal of minerals whatsoever shall be permitted within the safety zone unless authorization is specifically granted in advance and in writing by the Department of Mines and Mineral Industries.

(b) Such authorization shall only be granted upon application of the operator and/or the lessor. Such application shall be accompanied by four copies of a plan of the proposed mining operation. The plan shall indicate the thickness of the unconsolidated strata, the thickness of the rock strata and coal beds overlying the bed to be mined, the thickness of the bed, the widths of the openings to be made and the width of the pillars to be left, and any other special features that may be deemed necessary as affecting the contemplated first mining.

(c) The Department of Mines and Mineral Industries shall make periodic examinations to determine the accuracy of all plans, maps and drawings submitted to them under the provisions of this act.

Section 3. Requirements for Plan Approval.--In no instance will any plan be approved if there is less than thirty-five feet of rock cover. Factors considered in plan approval shall include thickness of bed, width of mine openings, width of pillars and such other factors as are deemed applicable by the Department of Mines and Mineral Industries.

Section 4. Pillar Recovery.--No pillar recovery shall be undertaken until such time as the plans are approved by the Department of Mines and Mineral Industries. Application for pillar recovery shall be accompanied by four copies of the plan which shall include such information as shall be determined by the department. The approval or disapproval shall be based on the factors of depth, the thickness of the bed, the percentage of pillars proposed to be extracted and to be left, the effect on pillars remaining in overlying beds, and any other special features that may be deemed necessary by the department.

Section 5. Proof of Rock Cover.--(a) Proof of the existence of thirty-five feet of rock cover shall accompany any plans submitted.

(b) Said proof of rock cover is to be ascertained by test holes drilled on intersecting lines forming rectangles or squares where the cover thickness is less than fifty feet. These holes shall be drilled on spacing of not more than thirty-five feet centers.

Section 6. Copies of Plans and Proof of Rock Cover to be Signed.--All copies of the aforementioned plans and proof of rock cover must indicate the location of the test holes and the depth of the rock cover, and they must be signed before submission to the Department of Mines and Mineral Industries by a Registered Mining Engineer representing the operator and a Registered Mining Engineer of the lessor and/or owner.

Section 7. Approval or Disapproval of Plans.--(a) After examination and approval of the plans by a Registered Mining Engineer for the Department of Mines and Mineral Industries and the secretary of the department, they shall sign all copies. The original shall be retained in the department, one copy shall be forwarded to the State mine inspector for the area in which the mining is to be carried on, one copy is to be forwarded to the Registered Mining Engineer representing the operator and/or lessor or owner, and one copy is to be forwarded to the operator.

(b) If the plan is disapproved, the Registered Mining Engineer for the Department of Mines and Mineral Industries and the secretary of the department shall note their reasons and attach a copy to each set of plans. One copy of the plan shall then be returned to the operator, one to the State mine inspector for the area, one to the Registered Mining Engineer for the operator and/or owner or lessor and one shall be retained by the department.

Section 8. Notice to Miners Working Within the Safety Zone.--After approval of the plan by the Department of Mines and Mineral Industries, no mining or removal of minerals may begin within the safety zone until the mine foreman has conspicuously posted a notice on the outside of the mine and has orally notified each miner affected that he is working in the safety zone.

Section 9. Penalties.--Any agent of the mine operator or any of its officers or supervisory employes, or any agent of the owner or any of the owner's officers or supervisory employes, if said owner engages in active supervision and control over the operator, or any mine inspector who by acts of commission or

omission, wilfully and knowingly violates any provisions of this act, and the act of commission or omission is the contributory cause of an incident which results in death or serious bodily harm of anyone lawfully in the mine, shall be guilty of a felony, and, upon conviction, be sentenced to pay a fine of not more than five thousand dollars (\$5,000) and undergo imprisonment for a period not exceeding three years, or both.