
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2237 Session of
1982

INTRODUCED BY D. R. WRIGHT, FEBRUARY 11, 1982

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 11, 1982

AN ACT

1 Amending the act of May 31, 1945 (P.L.1198, No.418), entitled,
2 as amended, "An act providing for the conservation and
3 improvement of land affected in connection with surface
4 mining; regulating such mining; and providing penalties,"
5 deleting the requirement of recording certain forms.

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

8 Section 1. Subclause F. of clause (2) of subsection (a) of
9 section 4, act of May 31, 1945 (P.L.1198, No.418), known as the
10 "Surface Mining Conservation and Reclamation Act," amended
11 October 10, 1980 (P.L.835, No.155), is amended to read:

12 Section 4. Mining Permit; Reclamation Plan; Bond.--(a)
13 Before any person shall hereafter proceed to mine minerals by
14 the surface mining method, he shall apply to the department, on
15 a form prepared and furnished by the department, for a permit
16 for each separate operation. The department is authorized to
17 charge and collect from persons a reasonable filing fee. Such
18 fee shall not exceed the cost of reviewing, administering and
19 enforcing such permit. As a part of each application for a

1 permit, the operator shall, unless modified or waived by the
2 department for cause, furnish the following:

3 * * *

4 (2) Reclamation Plan. A complete and detailed plan for the
5 reclamation of the land affected. Except as otherwise herein
6 provided, or unless a variance for cause is specially allowed by
7 the department as herein provided, each such plan shall include
8 the following:

9 * * *

10 F. Except where leases in existence on January 1, 1964 do
11 not so provide or permit, the application for a permit shall
12 include, upon a form prepared and furnished by the department,
13 the written consent of the landowner to entry upon any land to
14 be affected by the operation by the operator and by the
15 Commonwealth and any of its authorized agents prior to the
16 initiation of surface mining operations, during surface mining
17 operations and for a period of five years after the operation is
18 completed or abandoned for the purpose of reclamation, planting,
19 and inspection or for the construction of any pollution
20 abatement facilities as may be deemed necessary by the
21 department for the purposes of this act. Such forms shall be
22 deemed to be recordable documents[, and prior to the initiation
23 of surface mining operations under the permit, such forms shall
24 be recorded by the applicant at the office of the recorder of
25 deeds in the county or counties in which the area to be affected
26 under the permit is situate]. In the case of leases in existence
27 on January 1, 1964, not so providing or permitting, the
28 application for permit shall include upon a form prescribed and
29 furnished by the department, a notice of the existence of such
30 lease. Such forms shall be deemed to be recordable documents[,
19820H2237B2896

1 and prior to the initiation of surface mining operations under
2 the permit, such forms shall be recorded by the applicant at the
3 office of the recorder of deeds in the county or counties in
4 which the area to be affected under the permit is situate].

5 * * *

6 Section 2. This act shall take effect immediately.