

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3010 Session of
1990

INTRODUCED BY BILLOW, COLAIZZO, BUNT, TRELLO, PETRARCA,
S. H. SMITH, TANGRETTI AND MELIO, NOVEMBER 14, 1990

REFERRED TO COMMITTEE ON CONSERVATION, NOVEMBER 14, 1990

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; providing for the
5 establishment of an Emergency Bond Fund for anthracite deep
6 mine operators; and providing penalties," restricting the
7 granting of permits for surface mining in the vicinity of
8 dwellings not having a public water supply.

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

11 Section 1. Section 4.2(c) of the act of May 31, 1945
12 (P.L.1198, No.418), known as the Surface Mining Conservation and
13 Reclamation Act, amended October 10, 1980 (P.L.835, No.155), is
14 amended to read:

15 Section 4.2. General Rule Making; Health and Safety.--* * *

16 (c) From the effective date of this act, as amended hereby,
17 no operator shall conduct surface mining operations (other than
18 borrow pits for highway construction purposes) within one
19 hundred feet of the outside line of the right-of-way of any
20 public highway or within three hundred feet of any occupied

1 dwelling, unless released by the owner thereof, nor within three
2 hundred feet of any public building, public park, school,
3 church, community or institutional building or within one
4 hundred feet of any cemetery. The secretary may grant operators
5 variances to the distance requirements herein established where
6 he is satisfied that special circumstances warrant such
7 exceptions and that the interest of the public and landowners
8 affected thereby will be adequately protected. Prior to granting
9 any such variances, the operator shall be required to give
10 public notice of his application therefor in two newspapers of
11 general circulation in the area once a week for two successive
12 weeks. Should any person file an exception to the proposed
13 variance within twenty days of the last publication thereof, the
14 department shall conduct a public hearing with respect thereto.
15 Notwithstanding any other provisions of this act, the department
16 shall not grant a permit for a surface mining operation for any
17 area the outside boundary of which is within two thousand six
18 hundred forty linear feet (one-half mile) of any occupied
19 dwelling that is not served by a public water supply, unless the
20 owner of the dwelling has executed a release.

21 * * *

22 Section 2. This act shall take effect immediately.