

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1975 Session of  
1997

INTRODUCED BY MAJOR, CHADWICK, BAKER, LYNCH, FEESE AND STERN,  
OCTOBER 30, 1997

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 30, 1997

AN ACT

1 Amending the act of December 19, 1984 (P.L.1093, No.219),  
2 entitled "An act relating to noncoal surface mining  
3 conservation and reclamation," further defining "surface  
4 mining."

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

7 Section 1. The definition of "surface mining" in section 3  
8 of the act of December 19, 1984 (P.L.1093, No.219), known as the  
9 Noncoal Surface Mining Conservation and Reclamation Act, amended  
10 July 11, 1985 (P.L.236, No.59), is amended to read:

11 Section 3. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 \* \* \*

16 "Surface mining." The extraction of minerals from the earth,  
17 from waste or stockpiles or from pits or from banks by removing  
18 the strata or material that overlies or is above or between them

1 or otherwise exposing and retrieving them from the surface,  
2 including, but not limited to, strip mining, auger mining,  
3 dredging, quarrying and leaching and all surface activity  
4 connected with surface or underground mining, including, but not  
5 limited to, exploration, site preparation, entry, tunnel, drift,  
6 slope, shaft and borehole drilling and construction and  
7 activities related thereto; but it does not include those mining  
8 operations carried out beneath the surface by means of shafts,  
9 tunnels or other underground mine openings. The term does not  
10 include any of the following:

11 (1) The extraction of minerals by a landowner for his  
12 own noncommercial use from land owned or leased by him.

13 (2) The extraction of sand, gravel, rock, stone, earth  
14 or fill from borrow pits for highway construction purposes of  
15 the Pennsylvania Department of Transportation or the  
16 extraction of minerals pursuant to construction contracts  
17 with the department if the work is performed under a bond,  
18 contract and specifications that substantially provide for  
19 and require reclamation of the area affected in the manner  
20 provided by this act.

21 (3) The handling, processing or storage of slag on the  
22 premises of a manufacturer as a part of the manufacturing  
23 process.

24 (4) Those dredging operations that are carried out in  
25 the rivers and streams of the Commonwealth and in Lake Erie.

26 (5) The extraction, handling, processing or storing of  
27 minerals from any building construction excavation on the  
28 site of the construction where the minerals removed are  
29 incidental to the building construction excavation,  
30 regardless of the commercial value of the minerals.

1     (6) The extraction and removal from a mining site of 1,000  
2     tons of minerals or less or 750 cubic yards of minerals or less,  
3     whichever is less, within 12 successive calendar months, in a  
4     manner which does not significantly affect the hydrologic  
5     balance and where the location of the site has been registered  
6     in the conservation district serving the area in which the site  
7     is located. Overburden, overlying or in between the mineral  
8     deposit being extracted which is not removed from the mining  
9     site or which is used for highway construction purposes shall  
10    not be considered in calculating the weight or volume of mineral  
11    being extracted and removed.

12       \* \* \*

13       Section 2. This act shall take effect in 60 days.