

ROBERT M. TOMLINSON
6TH DISTRICT

FEB 16 2011

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Senate of Pennsylvania

- SENATE BOX 203006
ROOM 362, MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-3006
(717) 787-5072
FAX: (717) 772-2991**
- 2222 TRENTON ROAD, SUITE A
LEVITTOWN, PA 19056
(215) 945-2800
FAX: (215) 945-2808**
- 841 2ND STREET PIKE
RICHBORO, PA 18954
(215) 942-5157
FAX: (215) 942-5184**
- 2212 BRISTOL PIKE
BENSALEM, PA 19020
(215) 638-1784
FAX: (215) 638-1786**

rtomlinson@pasen.gov
www.senatorrtomlinson.com

January 16, 2011

To: All Senators

From: Senator Robert M. Tomlinson

Re: Co-Sponsorship Memo #25 – Surface Mining and Quarries

Please join me in cosponsoring legislation that amends the Noncoal Surface Mining Conservation and Reclamation Act to provide that all municipal subdivision and land development ordinances are preempted by the Noncoal Act.

There has been significant litigation regarding preemption of the zoning ordinances by the Noncoal Act, but no litigation regarding preemption of subdivision and land development ordinances. This legislation would clarify that the holder of a Noncoal Surface Mining Permit would not have to obtain subdivision land development approval and quarries would be subject to one set of regulations.

DEP's Noncoal Surface Mining Regulations are extensive and regulate all aspects of surface mining. Quarries would be exempt from the subdivision and land development process which imposes regulations for residential, commercial and industrial development which are not applicable to quarrying.

If you are interested in co-sponsoring this piece of legislation, please contact Mary Walmer of my office at 787-5072 or mwalmer@pasen.gov.

RMT/mc