

**CHAPTER 13. COMPLIANCE WITH THE SURFACE MINING
CONTROL AND RECLAMATION ACT OF 1977**

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Source

The provisions of this Chapter 13 adopted February 17, 1978, effective February 18, 1978, 8 Pa.B. 403, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 86.1 (relating to definitions); 25 Pa. Code § 86.12 (relating to continued operation under interim permits); 25 Pa. Code § 88.482 (relating to definitions); and 25 Pa. Code § 89.5 (relating to definitions).

PRELIMINARY PROVISIONS

§ 13.1. Background.

(a) The provisions of 30 U.S.C.A. § 1252(c) require that coal mining operations meet specified initial performance standards. In addition, 30 U.S.C.A. § 1252(c) specifically requires that permits for coal mining operations (“Permits”)—including surface coal mining, underground coal mining and coal processing, and waste disposal operations—contain conditions requiring compliance with the initial performance standards.

(b) The United States Department of the Interior has published final rules and regulations governing the initial regulatory program under 30 U.S.C.A. §§ 1201—1328, including initial performance standards. These rules and regulations were published on December 13, 1977, at 42 FR 62639.

(c) The provisions of 30 U.S.C.A. § 1252(c) require new coal mining operations to comply with the initial performance standards by February 3, 1978 and existing coal mining operations to comply with the initial performance standards by May 3, 1978.

(d) The intent of 30 U.S.C.A. §§ 1201—1328 and the position taken by the United States Department of the Interior based on that act, is that the states should require compliance with the initial performance standards in cooperation with the Federal government.

§ 13.2. Action.

In order to implement and enforce the initial performance standards, the Department will take the following actions. Nothing in this policy statement shall be deemed to prevent the Department from imposing more stringent requirements where appropriate in specific cases.

POLICY

§ 13.11. Applications received by the Department by January 13, 1978.

(a) Permit applications which are complete and technically accurate and which were received by the Department by January 13, 1978, will be processed without requiring additional information from the applicant. In these cases, the Department will require compliance with the initial performance standards by May 3, 1978—the date when existing operations shall meet the initial performance standards. Permits issued by the Department under this section on or after February 3, 1978, will contain a condition notifying the permit recipients that, as of February 3, 1978, they are subject to the provisions of 30 U.S.C.A. §§ 1201—1328 and to Federal enforcement action if they fail to meet the initial performance standards published at 42 FR 62639. These permits will also contain a condition requiring that the applicant provide additional information to demonstrate compliance with the initial performance standards by May 3, 1978.

(b) A permit application which was received by the Department by January 13, 1978, but which was not complete or technically accurate will be returned to the applicant and treated as if it was received after January 13, 1978. This subsection also applies without limitation to permits denied by the Department but which subsequently may be issued or ordered to be issued on or after February 3, 1978.

§ 13.12. Applications received by the Department after January 13, 1978.

A permit application received by the Department after January 13, 1978, shall demonstrate that the applicant will comply with the initial performance standards. Therefore, an application which fails to include the demonstration will be returned to the applicant with a request that he provides the required additional information. The Department will enforce the initial performance standards for these operations beginning on February 3, 1978.

§ 13.13. All mining operations.

The Department will require that mining operations which are or will be in operation on or after May 3, 1978, and which have not previously demonstrated their compliance with the initial performance standards, must demonstrate that they will comply with the initial performance standards. The Department will enforce the initial performance standards for these operations beginning on May 3, 1978.

§ 13.14. Prime farmlands and environmentally sensitive area requirements.

(a) A permit issued by the Department after August 3, 1977, for operations which are subject to the prime farmlands requirements of 30 U.S.C.A. §§ 1257(b)(16), 1260(d)(1) and 1265(b)(7) or the environmentally sensitive area requirements of 30 U.S.C. § 1272(e), or both, will require compliance with those sections, including the rules and regulations issued thereunder.

(b) Those sections were effective on the date 30 U.S.C.A. §§ 1201—1328 went into effect—August 3, 1977.

§ 13.15. Problems.

The appropriate program bureau of the Department should be contacted if there are questions regarding the status of an application.

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