

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF DEEP MINE SAFETY**

DOCUMENT NUMBER: 580-3000-005

TITLE: Clarification of Pertinence of Departmental Statutes Concerning Coal Processing Facilities.

EFFECTIVE DATE: July 17, 1995

AUTHORITY: Sections 104, 117, and 299.3 - 299.7 of the Pennsylvania Bituminous Coal Mine Act, 52 P.S. §§ 701-104, 701-117, 701-299.3 – 701-299.7.

The Pennsylvania Anthracite Coal Mine Act, 52 P.S. §§ 70.101 - 70.1405.

Sections 2, and 4.2 of the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.2 and 1396.4b.

25 Pa. Code §§ 209.111 - 209.115.

POLICY: In the Department’s opinion, all facilities that process coal or coal refuse and that are subject to the Surface Mining Conservation and Reclamation Act are subject to 25 Pa. Code §§ 209.111 - 209.115.

In the Department’s opinion, facilities that process bituminous coal and that are physically connected to and receive bituminous coal from an underground mine are also subject to the requirements of Sections 299.3 - 299.7 of the Pennsylvania Bituminous Coal Mine Act, 52 P.S. §§ 701.-299.3 – 701-299.7. In general, a coal preparation facility is physically connected to an underground mine where the two facilities are linked by power lines, conveyor belts, or rail lines.

In the Department’s opinion, all facilities that process anthracite coal or refuse for sale or transfer to another facility, are also subject to the applicable provisions of the Anthracite Coal Mine Act addressing collieries or preparation plants.

PURPOSE: The purpose of this policy is to clarify the pertinence of Departmental Statutes Concerning Coal Processing Facilities.

APPLICABILITY: See POLICY section above.

DISCLAIMER: The policy and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policy and procedures shall affect more stringent regulatory requirements.

The policy and procedures herein are not an adjudication or regulation. There is no intent on the part of the Department to give this policy the weight or deference that would be accorded an adjudication or regulation. The policy and procedure merely announces the policy that DEP intends to apply in the future for the processing and review of requests to adopt new items or methods under Section 702 of the Bituminous Coal Mine Act or Section 1402 of the Anthracite Coal Mine Act. This document establishes the framework, within

which the Department will exercise its administrative discretion in the future. The Department reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH: 1 page

LOCATION: Volume 09, Tab 04