

§ 77.1. Definitions.

Environmental acts—The term includes the following:

- (i) The Administrative Code of 1929 (71 P. S. § § 51—720.13).
- (ii) The Air Pollution Control Act (35 P. S. § § 4001—4015).
- (iii) The Clean Streams Law (35 P. S. § § 691.1—691.1001).
- (iv) The Dam Safety and Encroachments Act (32 P. S. § § 693.1—693.27).
- (v) The Pennsylvania Solid Waste Management Act (repealed) and Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003).
- (vi) The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.**[31]19b**).

§ 77.126. Criteria for permit approval or denial.

(a) A permit, permit renewal or revised permit application will not be approved, unless the application affirmatively demonstrates and the Department finds in writing, on the basis of the information in the application or from information otherwise available, that the following apply:

- (1) The permit application is accurate and complete and that the requirements of the act, the environmental acts and this chapter have been complied with.
- (2) The applicant has demonstrated that the noncoal mining activities can be reasonably accomplished as required by the act and this chapter under the operation and reclamation plan contained in the application.
- (3) The applicant has demonstrated that there is no presumptive evidence of potential pollution of the waters of this Commonwealth.
- (4) The proposed permit area, as defined in § 77.1 (relating to definitions) for surface mining activities—unless the requirements of § 77.504 (relating to distance limitations and areas designated as unsuitable for mining) are demonstrated—is:
 - (i) Not within 100 feet (30.48 meters) of the outside right-of-way line of a public highway.
 - (ii) Not within 300 feet (91.44 meters) of an occupied dwelling house or commercial or industrial building unless released by the owner thereof.

- (iii) Not within 100 feet (30.48 meters) of the bank of a perennial or intermittent stream.
 - (iv) Not within 300 feet (91.44 meters) of a public building, school or community or institutional building.
 - (v) Not within 100 feet (30.48 meters) of a cemetery.
 - (vi) Not within 300 feet (91.44 meters) of a public park.
 - (vii) Not within 125 feet (38.1 meters) of an oil or gas well.
 - (viii) Not within an area designated as unsuitable for noncoal surface mining activities under § 77.504.
- (5) Prior to approval of the bond under Subchapter D (relating to bonding and insurance requirements), a right of entry has been obtained if required by law, from the landowners for the initial incremental bond phase parcel for land to be affected by the surface mining activities under § 77.163 (relating to right of entry).
- (6) The applicant or related party, as indicated by past or continuing violations, has not shown a lack of ability or intention to comply with the act or the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.~~31~~**19b**).

§ 77.254. Preservation of remedies.

(a) Remedies provided in law for violation of the act, the Surface Mining and Reclamation Act (52 P. S. § § 1396.1—1396.~~31~~**19b**), The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Air Pollution Control Act (35 P. S. § § 4001—4015), **[the act of June 25, 1913 (P. L. 555, No. 355), known as The Water Obstructions Law (32 P. S. § § 681—691) (Repealed)]The Dam Safety and Encroachments Act (32 P.S. § § 693.1-693-27)**, the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66),**[the Pennsylvania Solid Waste Management Act (Repealed) (35 P. S. § § 6001—6017)]The Solid Waste Management Act (35 P.S. § §6018.101-6018.1003)** and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21), regulations thereunder or the conditions of the permits, are expressly preserved.

(b) Nothing in this subchapter is an exclusive penalty or remedy for violations of law. Action taken under this subchapter does not waive or impair other remedies or penalties provided in law.

§ 86.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ABS Legacy Sites—Mine sites, permitted under the Primacy Alternate Bonding System, that have a postmining polluttional discharge where the operator has defaulted on its obligation to adequately treat the discharge and, either the bond posted for the site is insufficient to cover the cost of treating the discharge, or a trust to cover the costs of treating the discharge was not fully funded and is insufficient to cover the cost of treating the discharge.

Acts—Include the following:

(i) The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.**[31a]19b**).

§ 86.6. Extraction of coal incidental to government-financed construction or government-financed reclamation projects.

(a) Extraction of coal incidental to government-financed construction or government-financed reclamation projects is exempt from the permitting requirements of the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19**[a]b**) and this chapter as it relates to surface mining activities and operations, and Chapters 87 and 88 (relating to surface mining of coal; and anthracite coal) if the following conditions are met:

§ 86.12. Continued operation under interim permits.

(a) A person conducting coal mining activities under a permit issued in accordance with Chapter 13 (relating to compliance with the Surface Mining Control and Reclamation Act of 1977), who has filed an application for permit under § 86.14(a) (relating to permit application filing deadlines) for which the Department has not rendered a decision may conduct these activities under the permit beyond the period prescribed in § 86.11(c) (relating to general requirements for permits) if:

(1) A timely and complete application for a permit has been made to the Department under this chapter.

(2) The Department has not yet rendered an initial administrative decision with respect to the application.

(3) The operations are conducted in compliance with terms and conditions of the permit, Chapter 13, the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.**[25]19b**), the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66), the

Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21), the Dam Safety and Encroachments Act (32 P. S. § § 693.1—693.27) and the Air Pollution Control Act (35 P. S. § § 4001—4015).

§ 86.121. Areas exempt from designation as unsuitable for surface mining operations.

This section and § § 86.122—86.129 do not apply to areas on which:

- (1) Surface mining operations were being conducted on August 3, 1977.
- (2) Surface mining operations have been authorized by a valid permit issued under The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19[**a**]**b**), the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66), The Clean Streams Law (35 P. S. § § 691.1—691.1001) or The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21).
- (3) A person establishes that substantial legal and financial commitments in surface mining operations were in existence prior to January 4, 1977.

§ 86.155. Scope.

This section and § § 86.156—86.162[**a**]**c** and 86.165—86.168 establish the minimum standards for the form of the bond for mining and reclamation activities, and the terms and conditions applicable to bonds and liability insurance.

§ 86.159. Self-bonding.

(k) The self-bond shall be in a form prepared and approved by the Department and may contain special conditions as the Department may require to assure the Commonwealth's interests are fully protected. The self-bond, in addition to another term or condition of forfeiture contained in a bond required by this subchapter, shall contain the following terms and conditions:

- (1) The self-bond will be forfeited if either of the following occur:
 - (i) Ninety days after the Department is informed by or determines that the applicant is no longer eligible to self-bond and within the 90-day period the applicant fails to submit to the

Department acceptable security as provided for in this subchapter to cover its self-bonded liability.

(ii) Within 90 days of the issuance of an order to abate conditions at a site covered by a self-bond which constitutes either an actual or potential risk of harm to the environment, the applicant fails to, except as provided for in § 86.211 (relating to enforcement—general), comply with the order or fails to submit to the Department acceptable security as provided for in this subchapter in an amount equal to the self-bonded liability.

(2) Liability under the self-bond shall be conditioned on:

(i) The applicant faithfully performing the following requirements:

(A) The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.~~31~~**19b**).

(B) The Clean Streams Law (35 P. S. § § 691.1—691.1001).

(C) The Air Pollution Control Act (35 P. S. § § 4001—4015).

(D) The Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66).

(E) The Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003).

(F) The Dam Safety and Encroachments Act (32 P. S. § § 693.1—693.27).

(G) The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21).

(H) Regulations adopted by the EQB under the acts set forth in clauses (A)—(G).

(ii) The applicant immediately notifying the Department of a significant change in the management control or organization of the applicant.

(iii) The applicant immediately notifying the Department of a material adverse change to the financial condition of the applicant, that may affect eligibility to self-bond or diminish the value of the security interests pledged to secure the self-bond.

(iv) The applicant, during the period of the self-bond, applying for or consenting to the appointment of a receiver, conservator, trustee or liquidator of itself or its property, admitting in writing its inability to pay its debts as the debts mature or making a general assignment for the benefit of its creditors.

(v) During the period of the self-bond, a creditor of the applicant attaching or executing a judgment against the applicant so that the Department would have reasonable belief the prospect

of the applicant having sufficient assets to cover the full amount of the self-bond or to be able to perform under the self-bond is impaired.

(3) The self-bond shall become immediately due and payable upon default of one or more of the terms and conditions or the dissolution of a party to the self-bond. The self-bond shall provide for confession of judgment and confession of execution upon default of one or more of the terms and conditions or dissolution.

Note: sections 86.162b and 86.162c are new and are printed in regular type to enhance readability.

§ 86.162b. Land Reclamation Financial Guarantees

(a) In the Surface Mining Conservation and Reclamation Fund there is a special account providing for Land Reclamation Financial Guarantees for qualified operators. Funds in this Land Reclamation Financial Guarantee Account may be used to financially assure the bonding obligations of a qualified coal mine operator engaged in surface mining activities under § 86.143 (relating to requirement to file a bond). The Department will designate a portion of the funds in the Land Reclamation Financial Guarantee Account to underwrite the Land Reclamation Financial Guarantees. The remainder of the funds will be held in reserve in the Land Reclamation Financial Guarantee Account. The purpose of the reserve is to provide funds in the event of a bond forfeiture, to underwrite sum-certain guarantees to cover Stage 3 reclamation liability for the remaining site under a permittee's reclamation bond for Bioenergy Crop Bonding and to provide for transfers to the Reclamation O & M Trust Account. The Department will deposit all funds appropriated by the general assembly from the Gross Receipts Tax on electricity pursuant to Section 19.2(b)(7) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.19b(b)(7)) in the Reclamation Fee O & M Trust Account.

(b) The Land Reclamation Financial Guarantee program is subject to the following limits:

(1) Permit Limit--The Department will not issue Land Reclamation Financial Guarantees for a permit in excess of 50% of the required bond amount for that permit.

(2) Operator Limit--The Department will not issue additional Land Reclamation Financial Guarantees to a mine operator if the aggregate amount of Land Reclamation Financial Guarantees on permits issued to the operator will exceed 30% of the designated amount in the Land Reclamation Financial Guarantee Account.

(3) Program Limit--The Department will not issue additional Land Reclamation Financial Guarantees in excess of the Program Limit. The Program Limit is exceeded when the aggregate amount of outstanding Land Reclamation Financial Guarantees is greater than the

amount resulting from dividing the current designated amount in the Land Reclamation Financial Guarantee Account by the historical rate of bond forfeiture under § 86.181 (relating to general) plus a margin of safety determined by the Department.

(c) Any existing sum-certain financial guarantee needed to facilitate the implementation of full-cost bonding previously issued by the Department shall be converted into a Land Reclamation Financial Guarantee established by this section and the funds in the Land Reclamation Financial Guarantee Account shall be used to cover obligations for all existing sum-certain financial guarantees needed to facilitate the implementation of full-cost bonding previously issued by the Department. If this conversion results in a Land Reclamation Financial Guarantee exceeding the Permit Limit established at subsection (b)(1), then the Land Reclamation Financial Guarantee amount does not need to be reduced, but the permit will be ineligible for additional Land Reclamation Financial Guarantees until the total for the permit is under the Permit Limit. If this conversion results in the Land Reclamation Financial Guarantees for an operator exceeding the Operator Limit established at subsection (b)(2), then the Land Reclamation Financial Guarantees do not need to be reduced, but the operator will be ineligible for further Land Reclamation Financial Guarantees.

(d) Periodically, but no less frequently than every five years, or upon request of the Mining and Reclamation Advisory Board, the Department will prepare a report containing a financial analysis of the revenue and expenditures for the Land Reclamation Financial Guarantee Account. The report will evaluate the annual payment percentage rate referenced in subsection h, the Permit Limit, the Operator Limit and the Program Limit for the Land Reclamation Financial Guarantee program. The report will be submitted to the members of the Mining and Reclamation Advisory Board for their review and advice and will be published on the Department's web site. Notice of the report's availability will be published in the *Pennsylvania Bulletin*. The Department will review the report at a public meeting of the Mining and Reclamation Advisory Board. If the Department's review of the report at a public meeting of the Mining and Reclamation Advisory Board results in a change in the Permit Limit, Operator Limit, Program Limit or the annual payment percentage rate, the Department will publish a notice of the changes in the *Pennsylvania Bulletin*. Changes to the Permit Limit, Operator Limit, Program Limit or the annual payment percentage rate will become effective upon publication in the *Pennsylvania Bulletin*.

(e) Interest earned and premiums collected and deposited in the Land Reclamation Financial Guarantee Account may be transferred by the Department into the Reclamation Fee O & M Trust Account established pursuant to sections 86.17 and 86.187 to be used to supplement the funding of the Reclamation Fee O&M Trust Account consistent with sections 19.2 (b)(5) and 19.2 (b)(6) of the act (52 P.S. § 1396.19b(b)(5) and § 1396.19b(b)(6)). The Department will provide information about any proposed transfer to the Mining and Reclamation Advisory Board and solicit advice from Mining and Reclamation Advisory Board prior to making such transfer.

(f) To participate in the Land Reclamation Financial Guarantee program established by this subchapter, a surface coal mining operator shall demonstrate that:

(1) The mine operator holds a valid coal mining license issued under section 3.1 of the act (52 P. S. § 1396.3a);

(2) The mine operator, a related party, a person who owns or controls the operator or a person who is owned or controlled by the operator, satisfies the requirements of subsections 86.37(a)(8)—(11) and (16) (relating to criteria for permit approval or denial); and

(3) The mine operator has met its reclamation obligations and made timely payments for the remaining financial guarantee program established pursuant to section 4.12 of the act (52 P. S. § 1396.41) or has made timely payments for the Land Reclamation Financial Guarantee program; or

(4) For operators who have not previously participated in the remaining financial guarantee program established pursuant to section 4.12 of the act (52 P. S. § 1396.41) or the Land Reclamation Financial Guarantee program, the operator shall demonstrate appropriate experience in surface coal mining and reclamation by showing that it has had a coal mining license under section 3.1 of the act (52 P. S. § 1396.3a) for at least five years and the operator would be able to obtain a surety bond otherwise required under this chapter by submitting:

(i) a surety bond for a portion of the remaining reclamation liability for the proposed site, or

(ii) a letter of acceptance from a surety company licensed to do business in this Commonwealth and which writes bonds for reclamation of mine sites located in this Commonwealth. The acceptance letter shall indicate the complete name and address of the surety company and state that the surety company would write the bond.

(g) An application for a Land Reclamation Financial Guarantee shall include a description of:

(1) The environmental and safety hazards of the site for which a guarantee is proposed.

(2) The availability of coal reserves at the site.

(h) An operator's participation in the Land Reclamation Financial Guarantee program is subject to the following:

(1) Annual payments will be 1.5% of the total amount of the Land Reclamation Financial Guarantee. The operator is responsible for making the annual payment as calculated by the Department, until the amount of the bond is reduced or released in accordance with sections 86.170—86.172 (relating to scope; procedures for seeking release of bond; and criteria for release of bond). The Department may adjust this annual percentage rate in order to assure financial stability of the Land Reclamation Financial Guarantee program and to

cover the Department's costs to administer the program. The Department will solicit advice from the Mining and Reclamation Advisory Board prior to adjusting the annual payment percentage rate. Any adjustments must be published in the *Pennsylvania Bulletin*.

(2) The first payment is due upon receipt of notice of the Department's approval of the operator's application to participate in the program. Payments shall be made annually thereafter concurrent with the permit anniversary date or in accordance with a schedule determined by the Department.

(3) Payments are not refundable and will be deposited into the Land Reclamation Financial Guarantees Account to be used in case of mine operator forfeiture. Excess payments may be transferred to the Reclamation Fee O & M Trust Account consistent with section 19.2 (b)(6) of the act (52 P.S. 1396.19b(b)(6)).

(4) The operator shall not substitute Land Reclamation Financial Guarantees for existing collateral or surety bonds.

(i) The obligation covered by the Land Reclamation Financial Guarantees program bond will be reduced or released prior to any other bond submitted by the operator to cover the reclamation obligations of that permit, except that remaining financial guarantees issued pursuant to section 4.12 of the act (52 P. S. § 1396.4l) will be released before Land Reclamation Financial Guarantees.

(j) If a post-mining discharge not meeting the effluent criteria in sections 87.102, 88.92, 88.187, 88.292, 89.52 or 90.102 develops on a permit for which a Land Reclamation Financial Guarantee is being used, the operator shall within 90 days of receipt of written notice by the Department provide a separate bond or alternative financial assurance mechanism to cover the long-term treatment costs or replace the Land Reclamation Financial Guarantee with other types of financial assurance mechanisms authorized for the purpose of covering the costs of treating the discharge.

(k) Upon forfeiture under section 86.181 (relating to general), the Department will declare forfeit the specified amount of the Land Reclamation Financial Guarantee for the permit in the special account in addition to other bonds posted by the operator to cover the reclamation obligation on the permit.

(l) The Department's declaration of forfeiture under this section does not excuse the operator from meeting the requirements of this chapter or other requirements under the act.

(m) Upon declaration of forfeiture, the Department will use the bond money posted by the operator and the specified amount of the Land Reclamation Financial Guarantee to complete the reclamation of the mine site in accordance with the procedures and criteria in sections 86.187—86.190.

(n) The Land Reclamation Financial Guarantee program may be suspended upon notice in the *Pennsylvania Bulletin* when the number of participating permits declared forfeit is equal to that number of permits calculated by multiplying the historical rate of bond forfeiture plus a margin of safety times the number of permits participating in the program. No additional Land Reclamation Financial Guarantees will be approved until the total amount of Land Reclamation Financial Guarantees declared forfeit has been replaced through the accumulation of annual payments or by other means.

(o) The Land Reclamation Financial Guarantees program will be discontinued immediately and notice published in the *Pennsylvania Bulletin* if 25% or greater of the total outstanding Land Reclamation Financial Guarantees are declared forfeit. If the Land Reclamation Financial Guarantees program is discontinued, no additional Land Reclamation Financial Guarantees may be approved. Outstanding Land Reclamation Financial Guarantees will remain in effect until released under sections 86.170—86.175.

(p) Land Reclamation Financial Guarantees are sum-certain financial guarantees needed to facilitate full-cost bonding for the purpose of section 86.187(a)(1)(iii).

§ 86.162c Bioenergy Crop Bonding

(a) For the purposes of this subsection, bioenergy crops include crops grown to produce feedstock for biofuels, including biodiesel and ethanol, and biomass for electricity generation.

(b) The Bioenergy Crop Bonding applies to sites where re-mining, as defined at section 86.252 was conducted and that have been revegetated with switchgrass, camelina, canola or other bioenergy crops that have been approved for stage 2 bond release. Permits issued under Chapter 87, Subchapter F; Chapter 88, Subchapter G; or Chapter 90, Subchapter F are eligible as long as the treatment liability has not been triggered.

(c) Bioenergy Crop Bonding will be available at no cost to the permittee upon approval of an application that includes the information in subsection (d), subject to the limitations listed in subsections (e) and (f).

(d) An applicant for Bioenergy Crop Bonding shall provide the Department with the following information:

(1) Verification that the entire permitted area has achieved Stage 2 bond release consistent with section 86.174(b).

(2) A demonstration that the crops grown are bioenergy crops as defined in subsection (a).

(3) Crop yield data that demonstrates that the bioenergy crops are achieving acceptable crop production.

(4) A demonstration that all temporary structures have been reclaimed.

(5) A demonstration that there are no post-mining discharges or that all liability associated with post-mining discharges is fully covered with a full-cost bond or a fully funded post-mining treatment trust.

(6) Acknowledgement that the permittee intends to apply for final release of the Bioenergy Crop Bonding in a timely manner.

(e) Upon approval of the Bioenergy Crop Bonding, the Department will release the existing bond held for Stage 3 liability.

(f) The liability period under the Bioenergy Crop Bonding cannot exceed five years. Permits with a bond liability period greater than five years are not eligible because of the risk of water pollution (25 Pa. Code §§ 86.151(b)(1), 86.151(c)).

(g) The Bioenergy Crop Bonding for a permit will expire no later than 120 days after the expiration of the 5-year liability period. In the case where the final bond release cannot be accomplished upon expiration of the Bioenergy Crop Bonding, then the Bioenergy Crop Bonding must be replaced.

§ 86.185. Preservation of remedies.

Remedies provided in law for violation of but not limited to the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.**[31]19b**), The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Air Pollution Control Act (35 P. S. § § 4001—4015), the Dam Safety and Encroachments Act (32 P. S. § § 693.1—693.27), the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66), the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003), and the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21), the regulations adopted thereunder, or the conditions of the permits, are expressly preserved. Nothing in this subchapter may be construed as an exclusive penalty or remedy for the violations of law. No action taken under this subchapter may waive or impair another remedy or penalty provided in law.

§ 86.187. Use of money.

(a) Moneys received from fees, fines, penalties, bond forfeitures and other moneys received under authority of the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.**[31]19b**), and interest earned on the moneys, will be deposited in the Fund.

§ 86.232. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Coal mining laws—Those provisions of the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.~~31~~**19b**), The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Air Pollution Control Act (35 P. S. § § 4001—4015), the Dam Safety and Encroachments Act (32 P. S. § § ~~6018.101—6018.1003~~**693.1-693.27**), the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66), the Bituminous Coal Mine Subsidence and Land Conservation Act (52 P. S. § § 1406.1—1406.21) and the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003), related to the regulation of surface and underground coal mines and facilities, and The Land and Water Conservation and Reclamation Act (32 P. S. § § 5101—5121) related to abandoned mine lands reclamation for which Federal grants have been made under Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. § § 1231—1243).

§ 86.252. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Abandoned mine lands—For the purposes of this subchapter, unreclaimed lands affected by surface or underground coal mining or coal refuse disposal activities, including bond forfeiture sites for which the bonds have been collected by the Department.

Act—The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19~~a~~**b**).

§ 86.358. Suspension and revocation.

(a) The Department may suspend or revoke a license for the following reasons:

- (1) Failure to comply with an order of the Department for which a supersedeas has not been granted.
- (2) Failure to comply with the conditions of a permit.
- (3) Failure to comply with the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1391.1—1396.19~~a~~**b**) or the regulations thereunder.
- (4) Failure to maintain public liability insurance.

§ 87.1. Definitions.

SMCRA—The Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.[25]19b).

§ 87.205. Approval or denial.

(b) An authorization may be denied under this subchapter if granting the authorization will, or is likely to, affect a legal responsibility or liability under The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.[25]19b), Chapter 86 (relating to surface and underground coal mining: general) or Subchapters A and C—E, for the proposed pollution abatement area or other areas or discharges in the vicinity of the proposed pollution abatement area.

§ 88.482. Definitions.

Operator—A person or municipality engaged in underground mining activities as a principal, as distinguished from an agent or independent contractor. When more than one person is engaged in coal mining activities in a single operation, they shall be deemed jointly and severally responsible for compliance with the provisions of the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.[31]19b), The Clean Streams Law (35 P. S. § § 691.1—691.1001) and the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66).

§ 88.505. Approval or denial.

(b) An authorization may be denied under this subchapter if granting the authorization will, or is likely to, affect legal responsibility or liability under The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.[25]19b), Chapter 86 (relating to surface and underground coal mining: general), Chapter 87, Subchapter B (Reserved) or Subchapters A—C, for the proposed pollution abatement area or other areas or discharges in the vicinity of the proposed pollution abatement area.

§ 89.5. Definitions

Operator—A person or municipality engaged in underground mining activities as a principal, as distinguished from an agent or independent contractor. When more than one person is engaged in coal mining activities in a single operation, they shall be deemed jointly and severally responsible for compliance with the provisions of the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19**[31]19b**), The Clean Streams Law (35 P. S. § § 691.1—691.1001) and the Coal Refuse Disposal Control Act (52 P. S. § § 30.51—30.66).

§ 90.305. Application approval or denial.

(b) An authorization may be denied under this subchapter if granting the authorization will, or is likely to, affect a legal responsibility or liability under The Clean Streams Law (35 P. S. § § 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19**[a]b**), Chapter 86 (relating to surface and underground coal mining: general) or Subchapters A—D, for the proposed pollution abatement area or other areas or discharges in the vicinity of the proposed pollution abatement area.

§ 211.121. General requirements.

(a) Except as otherwise provided in this subchapter, a person may not engage in blasting activities, or sell or purchase explosives in this Commonwealth without first obtaining the appropriate permit from the Department issued under this chapter.

(b) Permits under this chapter are not required for the sale, purchase or use of fireworks governed by the act of May 15, 1939 (35 P. S. § § 1271—1277).

(c) A permit issued under the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19**[a]b**), or the Noncoal Surface Mining and Conservation and Reclamation Act (52 P. S. § § 3301—3326), and the regulations promulgated thereunder, authorizing blasting activity shall act as a blasting activity permit issued under this chapter.
