

ANNEX A

CHAPTER 86. SURFACE AND UNDERGROUND COAL  
MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

Sec.

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**86.6 Extraction of coal incidental to government-financed ~~highway~~ construction or  
GOVERNMENT-FINANCED reclamation projects.**

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**§ 86.6. Extraction of coal incidental to government-financed ~~highway~~ construction or  
GOVERNMENT-FINANCED reclamation projects.**

**(a) Extraction of coal incidental to government-financed ~~highway~~ construction  
or government-financed reclamation projects is exempt from ~~the acts~~ THE  
PERMITTING REQUIREMENTS OF THE SURFACE MINING CONSERVATION  
AND RECLAMATION ACT 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 ARE MET:**

(1) The extraction of coal is necessary to enable the construction or reclamation to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, RAILROAD, UTILITY LINE OR OTHER SUCH CONSTRUCTION, or within the boundaries of the area directly affected by OTHER TYPES OF GOVERNMENT-FINANCED CONSTRUCTION OR government-financed reclamation, may be considered incidental to that construction or reclamation.

(2) The construction or reclamation is funded by a Federal, Commonwealth, county, municipal, or local unit of government, or a department, bureau, agency, or office of the unit which, directly or through another unit of government, finances the construction or reclamation.

(3) The construction or reclamation is funded 50% or more by funds appropriated from the government unit's budget or obtained from general revenue bonds. Funding at less than 50% may qualify if the construction is undertaken as a Department-approved reclamation contract or project.

(4) THE CONSTRUCTION OR RECLAMATION IS PERFORMED UNDER A BOND, CONTRACT AND SPECIFICATIONS THAT SUBSTANTIALLY PROVIDE FOR AND REQUIRE PROTECTION OF THE ENVIRONMENT, RECLAMATION OF THE AFFECTED AREA, AND HANDLING OF EXCAVATED MATERIALS IN A MANNER CONSISTENT WITH THE ACTS AND REGULATIONS IMPLEMENTING THE ACTS.

(5) THE GOVERNMENTAL ENTITY FINANCING THE CONSTRUCTION OR RECLAMATION HAS PROVIDED THE DEPARTMENT AN OPPORTUNITY TO REVIEW THE ENVIRONMENTAL STANDARDS THAT WILL

**APPLY TO THE PROJECT, AND THE DEPARTMENT CONCURS WITH THE SELECTION OF THOSE STANDARDS.**

**(b) ~~Highway~~ Construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent or in-kind payments does not qualify as government-financed construction.**

**(c) A person extracting coal incidental to government-financed ~~highway~~ construction or GOVERNMENT-FINANCED reclamation who extracts more than 250 tons of coal or affects more than 2 acres shall maintain on the site of the extraction operation and make available for inspection the following DOCUMENTS:**

**(1) A WRITTEN description of the construction or reclamation project.**

**(2) A MAP SHOWING the exact location of the construction or reclamation, right-of-way or the boundaries of the area which will be directly affected by the construction or reclamation.**

**(3) A STATEMENT IDENTIFYING the government agency that is providing the financing and the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.**

**(4) WHEN THE AREA DELINEATED IN PARAGRAPH (2) IS WHOLLY OR PARTIALLY WITHIN AN AREA DESIGNATED UNSUITABLE FOR MINING BY THE ENVIRONMENTAL QUALITY BOARD UNDER § 86.130 (RELATING TO AREAS DESIGNATED AS UNSUITABLE FOR MINING), A COPY OF THE DETAILED REPORT REQUIRED BY § 86.124(e) (RELATING TO PROCEDURES: INITIAL PROCESSING, RECORDKEEPING AND NOTIFICATION REQUIREMENTS).**

**(d) GOVERNMENT-FINANCED CONSTRUCTION PROJECTS AND  
GOVERNMENT-FINANCED RECLAMATION SHALL COMPLY WITH CHAPTERS  
91 – 96, 102 AND 105.**