

Article - Natural Resources

[[7B]] 6A. SURFACE MINING

[[7-7B01]] 7-6A01. DEFINITIONS.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ACTIVE OPERATION" MEANS ONE FROM WHICH A MINIMUM OF 500 TONS PER ACRE OF PITS BEING MINED, EXCLUDING COAL, HAS BEEN EXTRACTED FOR COMMERCIAL PURPOSES IN THE PRECEDING YEAR.

(C) "AFFECTED LAND" MEANS THE LAND FROM WHICH THE MINERAL IS REMOVED BY SURFACE MINING, AND ALL OTHER LAND AREA IN WHICH THE NATURAL LAND SURFACE HAS BEEN DISTURBED AS A RESULT OF OR INCIDENTAL TO THE SURFACE MINING ACTIVITIES OF THE OPERATOR, INCLUDING PRIVATE WAYS AND ROADS APPURTENANT TO THE AREA, LAND EXCAVATIONS, WORKINGS, REFUSE PILES, SPOIL PILES, TAILINGS[[, STORAGE AREAS, AND PROCESSING AREAS]].

(D) "BORROW PIT" MEANS AN AREA FROM WHICH SOIL OR OTHER UNCONSOLIDATED MATERIALS ARE REMOVED TO BE USED, WITHOUT FURTHER PROCESSING, AS FILL FOR ACTIVITIES SUCH AS LANDSCAPING, BUILDING CONSTRUCTION, OR HIGHWAY CONSTRUCTION AND MAINTENANCE.

(E) "CONTIGUOUS" MEANS IN ACTUAL CONTACT, SHARING A COMMON PROPERTY BOUNDARY, OR SEPARATED ONLY BY A STREAM OR THE RIGHT-OF-WAY OF A ROAD OR HIGHWAY.

(F) "LAND" MEANS THE SURFACE OF THE LAND UPON WHICH SURFACE MINING IS CONDUCTED.

(G) "LANDOWNER" MEANS A PERSON WHO POSSESSES LEGAL TITLE TO THE LAND.

(H) "MINERALS" MEANS ANY SOLID MATERIAL, AGGREGATE, OR SUBSTANCE OF COMMERCIAL VALUE, WHETHER CONSOLIDATED OR LOOSE, FOUND IN NATURAL DEPOSITS ON OR IN THE EARTH, INCLUDING CLAY, DIATOMACEOUS EARTH, GRAVEL, MARL, METALLIC ORES, SAND, SHELL, SOIL, AND STONE. THE TERM DOES NOT INCLUDE COAL.

(I) "MINING AND RECLAMATION PLAN" MEANS THE OPERATOR'S WRITTEN PROPOSAL AS REQUIRED AND APPROVED BY THE DEPARTMENT FOR THE CONDUCT OF MINING AND THE RECLAMATION OF THE AFFECTED LAND.

(J) "NEIGHBORING" MEANS IN CLOSE PROXIMITY OR IN THE IMMEDIATE VICINITY, BUT NOT IN ACTUAL CONTACT.