

[(d)] (C) "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)] (D) "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)] (E) "Department" means the Department of Natural Resources.

[(g)] (F) "Land" means the surface of the land upon which surface mining is conducted.

[(h)] (G) "Landowner" means a person who possesses legal title to the land.

(H) "LICENSEE" MEANS A PERSON WHO IS AUTHORIZED BY THE DEPARTMENT TO CONDUCT SURFACE MINING AND RECLAMATION ACTIVITIES UNDER § 7-6A-06 OF THIS SUBTITLE.

(i) "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.

(j) "Mining and reclamation plan" means the [operator's] PERMITTEE'S written proposal as required and approved by the Department for the conduct of mining and the reclamation of the affected land.

(k) "Neighboring" means in close proximity or in the immediate vicinity, but not in actual contact.

(l) "Operation" means the pit located upon a single tract of land or a continuous pit embracing or extending upon two or more contiguous tracts of land.

(m) ["Operator" means a person engaged in surface mining as a principal, as distinguished from an agent or independent contractor who owns the minerals as a result of the mining.

(n)] "Overburden" means the strata or material overlying a mineral deposit, or in between mineral deposits in its natural state, and before its removal by surface mining.

(N) "PERMITTEE" MEANS A PERSON WHO HOLDS A VALID PERMIT TO CONDUCT SURFACE MINING AND RECLAMATION OPERATIONS APPROVED BY THE DEPARTMENT UNDER § 7-6A-09 OF THIS SUBTITLE.

(o) "Person" means an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative