

(3) EXCAVATION OR GRADING CONDUCTED SOLELY IN AID OF ON-SITE FARMING OR ON-SITE CONSTRUCTION FOR PURPOSES OTHER THAN SURFACE MINING;

(4) REMOVAL OF OVERBURDEN AND MINING OF LIMITED AMOUNTS OF ANY MINERAL WHEN DONE ONLY FOR THE PURPOSE OF PROSPECTING AND TO THE EXTENT NECESSARY TO DETERMINE THE LOCATION, QUANTITY, OR QUALITY OF ANY NATURAL DEPOSIT, IF NO MINERALS ARE SOLD, PROCESSED FOR SALE, OR CONSUMED IN THE REGULAR OPERATION OF BUSINESS;

(5) THE HANDLING, PROCESSING, OR STORAGE OF SLAG AND STONE ON THE PREMISES OF A MANUFACTURER AS A PART OF ANY MANUFACTURING PROCESS THAT REQUIRES STONE AS A RAW MATERIAL OR PRODUCES SLAG AS A BY-PRODUCT;

(6) THE EXTRACTION OF MINERALS BY A LANDOWNER FOR THE LANDOWNER'S OWN NONCOMMERCIAL USE FROM LAND OWNED OR LEASED BY THE LANDOWNER;

(7) MINING OPERATIONS IF THE AFFECTED LAND DOES NOT EXCEED 1 ACRE IN AREA; OR

(8) DREDGING FROM SUBMERGED PUBLIC OR PRIVATE LANDS IN THE STATE IF THIS ACTIVITY IS CONDUCTED UNDER A LICENSE FROM THE STATE BOARD OF PUBLIC WORKS OR BY PERMIT FROM THE DEPARTMENT, AS PROVIDED FOR IN TITLE 9 OF THIS ARTICLE- ; OR

(9) THE EXTRACTION OF SAND, GRAVEL, ROCK, STONE, EARTH, OR FILL FROM BORROW PITS FOR HIGHWAY CONSTRUCTION PURPOSES OR OTHER PUBLIC FACILITIES, IF THE WORK IS PERFORMED UNDER A BOND, A CONTRACT, AND THE SPECIFICATIONS OF THE DEPARTMENT THAT REQUIRE RECLAMATION OF THE AREA AFFECTED IN THE MANNER PROVIDED BY THIS SUBTITLE.

[(e)] (F) Any person who violates the provisions of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$10,000. The fine shall be paid to the Surface Mined Land Reclamation Fund.

7-6A-07.

(a) [After January 1, 1977, no licensed operator] A LICENSEE may NOT engage in surface mining within the State [without first obtaining] EXCEPT ON AFFECTED LAND THAT IS COVERED BY A VALID surface mining permit [which covers the affected land].

(b) The application shall be in writing and on a form prepared and furnished by the Department and shall fully state the information called for. In addition, the applicant may be required to furnish other information the Department reasonably deems necessary in order to enforce this subtitle.