

(h) "Federal approval of the State program" means approval by the federal government pursuant to the federal Surface Mining and Reclamation Act of 1977 (P.L. 95-87).

(i) "Imminent danger to the health and safety of the public" means the existence of a condition which is reasonably expected to cause substantial physical harm to persons outside the permit area. A reasonable expectation of harm exists if a rational person would not subject himself to the danger.

(j) "Land" means the surface of the land on which open-pit mining is conducted.

(k) "Land affected" means the areas on which open-pit mining activities occur or where those activities disturb the natural land surface. These areas also shall include any adjacent land, the use of which is incidental to any open-pit mining activity, any land affected by the construction of a new road or the improvement or use of an existing road to gain access to the site of the activities for haulage, and any excavation, working, impoundment, dam, ventilation shaft, entryway, refuse bank, dump, stockpile, overburden pile, spoil bank, culm bank, tailing, hole or depression, repair area, storage area, processing area, shipping area, or any other area on which is sited a structure, facility, or other property or material on the surface that results from or is incident to open-pit mining activities.

(l) "Landowner" means a person in whom the legal title to the land is vested.

(m) "Net project construction cost" means the part of the project construction cost paid from the revolving account equal to the project construction cost less the cash contribution of the owner of the benefited property on completion of construction.

(n) "Open-pit mining", "strip mining", and "surface coal mining" are terms used interchangeably in this subtitle to mean the mining or recovery of bituminous coal by removing the strata or material which overlies or is above the coal deposit or seam in its natural condition, or any other recovery of coal by methods other than deep-mining, and land affected by such activities. It includes methods such as contour, strip, auger, mountaintop removal, box cut, open-pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site.

(o) "Operator" means any person, partnership, limited liability company, or corporation that removes or intends to remove more than 250 tons of coal from the earth by surface coal mining within 12 consecutive calendar months in any one location.

(p) "Orphaned land" means land on which open-pit mining was conducted before June 1, 1967 and which has not been reclaimed.

(q) "Orphaned land reclamation project" or "project" means a competently designed reclamation project, which may include backfilling and revegetation, to restore orphaned lands.

(r) "Overburden" means the strata or material overlying a bituminous coal deposit in its natural state.