

# WEST VIRGINIA CODE: §64-11-2

## **§64-11-2. Division of environmental protection, office of mining and reclamation and office of abandoned mine lands and reclamation.**

(a) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (regulations for mining and reclamation of minerals other than coal, 38 CSR 2B), effective January 1, 1983, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word '>regulations' and inserting in lieu thereof the word '>rule';

Beginning on page 1, in the first sentence of section 2, and continuing throughout the text of the rule, by striking out the words '>these regulations' and inserting in lieu thereof the words '>this rule';

Beginning on page 2, subsection 2.16, and continuing throughout the text of the rule, by striking out the words '>Department of Natural Resources' and inserting in lieu thereof '>Division of Environmental Protection', and by striking out the words '>Division of Reclamation' and inserting in lieu thereof, '>Office of Mining and Reclamation';

Beginning on page 6, subdivision 5.3.a, and continuing throughout the text of the rule, by striking out the words '>Article six-D (6d), Chapter twenty (20), Code of West Virginia', and inserting in lieu thereof the words '>W.Va. Code Chapter 22, Article 4';

Beginning on page 8, subsection 6A.2., and continuing throughout the text of the rule, by striking out the words '>Division of Water Resources' and inserting in lieu thereof the words '>Office of Water Resources';

On page 1, in the title of the rule, by inserting the words '>BUREAU OF ENVIRONMENT' on the third line, and by striking out the words '>MINING AND RECLAMATION' and inserting in lieu thereof the words '>OFFICE OF MINING AND RECLAMATION' on the fifth line;

On page 1, subsection 1.2, by striking out the words '>W.Va. Code §20-1-7 and §20-6D' and inserting in lieu thereof the words '>W.Va. Code §22-1-3 and §22-4-1';

On page 1, in the first sentence of section 2, by striking out the words '>Article Six (6), Chapter twenty (20), Code of West Virginia' and inserting in lieu thereof the words '>W.Va. Code Chapter 22, Article 4';

On page 3, subsection 2.45, by striking out the words '>Water Resources' and inserting in lieu thereof the words '>Environmental Protection';

On page 5, subsection 4.1, by striking out the words '>Section eleven A (11a), Article six d (6d), Chapter twenty (20) of the Code of West Virginia' and inserting in lieu thereof '>W.Va. Code §22-4-11';

On page 6, subdivision 5.5.a., by striking out the words '>Reclamation Division' and inserting in lieu thereof the words '>Office of Mining and Reclamation';

On page 9, subsection 6A.3, after the words '>State Department of Health', by inserting the words '>and Human Resources';

On page 9, subsection 6B.2, by striking the words '>section six D (6d) or six E (6e)' and inserting in lieu thereof '>section 6D or 6E';

On page 15, subparagraph 7B.a.2.B, by deleting '>section >7B.1 (a), (2)' and inserting in lieu thereof '>paragraph 7B.1.a.2';

On page 17, subsection 8.6, in the first sentence, by striking out the words '>Article six (D) (6d), Chapter twenty (20), Section nine (9), Code of West Virginia', and inserting in lieu thereof, '>W.Va. Code §22-4-9';

And,

On page 17, subdivision 9.2.c, by striking out the words '>Section sixteen (16), Article six D (6d), Chapter twenty (20), Code of West Virginia', and inserting in lieu thereof '>W.Va. Code §22-4-16'."

(b) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (standards for certification of blasters - surface coal mines, 38 CSR 2C), effective May 1, 1995, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words '>BUREAU OF ENVIRONMENT' on the third line, and by inserting the words '>OFFICE OF MINING AND RECLAMATION' on the fifth line;

And,

On page 3, section 4, in the second sentence, by striking out the first appearance of the words '>subparagraph a-k, paragraph 1,' and inserting in lieu thereof the words

>paragraphs 5.1.a.1 through 5.1.a.11 of', and by striking out the words >subparagraph a-k, paragraph 1,' and inserting in lieu thereof the words >paragraphs 5.2.a.1 through 5.2.a.11 of'."

(c) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (abandoned mine lands reclamation rule, 38 CSR 2D), effective June 26, 1995, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of rule, by striking out the title reference >38' and inserting in lieu thereof the title reference >59';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series reference >2D' and inserting in lieu thereof the series reference >1';

Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by inserting the words >OFFICE OF ABANDONED MINE LANDS AND RECLAMATION' on the fifth line;

On page 3, subparagraph 3.3.b.4.E, by striking out the words >paragraph (b), (2) of this section' and inserting in lieu thereof the words >paragraph 3.3.b.2 of this section';

On page 3, paragraph 4.3.b.1, by striking out the words >paragraph a of this section' and inserting in lieu thereof the words >subdivision 4.3.a of this section';

On page 6, subparagraph 4.5.a.7.E, by striking out the words >subsection (b) or (c)' and inserting in lieu thereof the words >subparagraph 4.5.a.7.B or 4.5.a.7.C';

On page 7, in the first sentence of subdivision 4.5.b., by striking out the words >subsection (a) of this section' and inserting in lieu thereof the words >subdivision 4.5.a of this subsection';

On page 7, in the second sentence of subdivision 4.5.b, by striking out the words >subsection (a) of this section' and inserting in lieu thereof the words >subdivision 4.5.a of this subsection';

On page 8, subdivision 5.3.e, by striking out the reference >2D-5' and inserting in lieu thereof the reference >5';

On page 12, paragraph 6.5.e.2, by striking out the words >paragraph (e) of this section' and inserting in lieu thereof the words >subdivision 6.5.e of this subsection';

On page 12, paragraph 6.5.e.4, by striking out the words '>paragraph (e) of this section' and adding in lieu thereof the words '>subdivision 6.5.e of this subsection';

On page 12, subsection 7.1, by adding the prefix '>sub' before the word '>section';

On page 12, subdivision 7.2.b, by striking out the words '>paragraph (a) of this section' and inserting in lieu thereof the words '>subdivision 7.2.a of this subsection';

On page 13, subdivision 7.2.d, by striking out the words '>7.3(a)(1),(2), or (3) of this section' and inserting in lieu thereof the words '>paragraphs 7.3.a.1, 2, or 3 of this section';

And,

On page 14, subdivision 8.4.c, by striking out the words '>section 8.4(b) of this rule' and inserting in lieu thereof the words '>subdivision 8.4.b of this subsection'."

(d) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (groundwater protection regulations coal mining operations, 38 CSR 2F), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words '>BUREAU OF ENVIRONMENT' on the third line, and by striking out the words '>MINING AND RECLAMATION' and inserting in lieu thereof the words '>OFFICE OF MINING AND RECLAMATION' on the fifth line;

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word '>regulations' and inserting in lieu thereof the word '>rule';

Beginning on page 1, subsection 1.1., and continuing throughout the text of the rule, by striking out the words '>Chapter 22A, Article 3' and inserting in lieu thereof the words '>Chapter 22, Article 3', and by striking out the words '>Chapter 20, Article 5A' and inserting in lieu thereof the words '>Chapter 22, Article 11';

On page 1, subsection 1.1., by striking out the words '>Chapter 20-5M-1 et seq. of the West Virginia Code' and inserting in lieu thereof the words '>W.Va. Code §22-12-1 et seq.';

On page 1, subsection 1.2., by striking out the code reference '>20-5M-5' and inserting in lieu thereof the code reference '>§22-12-5';

On page 1, subsection 2.1., by striking out the code reference '>20-5M-1' and inserting in lieu thereof the code reference '>§22-12-1';

On page 1, subsection 2.2, by striking out the words '>subsection (w), Section (3), Article 3, Chapter 22A (the West Virginia Surface Coal Mining and Reclamation Act) of the Code of West Virginia, 1931' and inserting in lieu thereof the words '>W.Va. Code §22-3-3(u)';

On page 2, subsection 2.12., by striking out the code reference '>20-5M-5(h)' and inserting in lieu thereof '>22-12-5(h)';

On page 2, subsection 3.2., by striking out the code reference '>20-5A-1' and inserting in lieu thereof the code reference '>22-11-1', and by striking out the code reference '>22A-3-1' and inserting in lieu thereof the code reference '>22-3-1';

And,

On page 2, subsection 3.2, by striking out the words '>Water Resources Board' and inserting in lieu thereof the words '>Environmental Quality Board'."