

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1964

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ENROLLED

SENATE BILL NO. 10

(By Mr. Martin)

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PASSED February 5, 1964

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 2-11-64

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ENROLLED  
NATURAL RESOURCES  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 10**

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(Mr. Martin original sponsor)

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[Passed February 5, 1964; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section two, article two-a, chapter twenty-two of said code; and to further amend article two-a, chapter twenty-two of said code, by adding thereto two new sections, designated sections five-a and five-b, relating to the definition of "surface mining" as that term is used in said article six relating to reclamation and in said article two-a relating to surface mining; relieving individuals, firms, etc., from reclamation requirements respecting a limestone, sand, or

sandstone quarry; excluding acreages encompassed by a quarry and by preparation and processing plants, offices, laboratories, or other buildings incidental to the operation of a quarry in the computation of the amount of the performance bond required by section five of said article two-a; providing that the amount of the bond for the recovery of limestone, sand, or sandstone shall not be subject to any minimum requirements; and defining "quarry" as that term is used in said section five-a; and excepting individuals, various concerns and operators from reclamation requirements respecting removal of earth or stone recovered for borrow and fill material for grading in federal and state highway construction projects.

*Be it enacted by the Legislature of West Virginia:*

That section three, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section two, article two-a, chapter twenty-two of said code be amended and reenacted; and that article two-a, chapter twenty-two of said code be amended by adding thereto two new sections, designated sections five-a and five-b, all to read as follows:

**CHAPTER 20. NATURAL RESOURCES.**

**Article 6. Reclamation.**

**Section 3. Definitions.**—For the purpose of this article,

2 the term “surface mining” shall include all industrial  
3 activity for the recovery of minerals except those ac-  
4 tivities subject to the provisions of articles one, two, four,  
5 five and seven of chapter twenty-two of the code of West  
6 Virginia, one thousand nine hundred thirty-one, as  
7 amended, and, subject to such exception, shall include  
8 plant and equipment used in processing said minerals.

9 For the purpose of this article, “a surface mine” shall  
10 include all areas surface mined or being surface mined  
11 as well as adjacent areas ancillary to the operation to-  
12 gether with preparation and processing plants, storage  
13 areas and haulageways: *Provided, That such areas are*  
14 *sufficiently concentrated that they can be adequately*  
15 *supervised by one foreman: And provided further, That*  
16 *mines subject to the provisions of articles one, two, four,*  
17 *five and seven of chapter twenty-two of the code of West*  
18 *Virginia, as amended, are not “surface mines” within this*  
19 *definition.*

20 For the purpose of this article, "disturbed land" shall  
21 include the area from which the overburden has been  
22 removed in surface mining operations, plus the area  
23 covered by the spoil, and any areas used in surface min-  
24 ing operations which by virtue of their use are suscepti-  
25 ble to excessive erosion.

26 For the purpose of this article, "operator" shall mean  
27 any individual, a corporation, a partnership, an associa-  
28 tion or a trust which is granted a permit to engage in any  
29 activity covered by this article.

## **CHAPTER 22. MINES AND MINERALS.**

### **Article 2A. Surface Mining.**

Section 2. Definitions.—For the purpose of this article,  
2 the term "surface mining" shall include all industrial  
3 activity for the recovery of minerals, except those activi-  
4 ties subject to the provisions of articles one, two, four,  
5 five and seven of chapter twenty-two of the code of  
6 West Virginia, one thousand nine hundred thirty-one, as  
7 amended, and subject to such exception, shall include  
8 plant and equipment used in processing said minerals.

9 For the purpose of this article, a "surface mine" shall

10 include all areas surface mined or being surface mined,  
11 as well as adjacent areas ancillary to the operation, to-  
12 gether with preparation and processing plants, storage  
13 areas and haulageways: *Provided*, That such areas are  
14 sufficiently concentrated that they can be adequately  
15 supervised by one foreman: *And provided further*, That  
16 mines subject to the provisions of articles one, two, four,  
17 five and seven of chapter twenty-two of the code of  
18 West Virginia, one thousand nine hundred thirty-one, as  
19 amended, are not "surface mines" within this definition.  
20 For the purpose of this article, "disturbed land" shall  
21 include the area from which the overburden has been  
22 removed in surface mining operations, plus the area cov-  
23 ered by the spoil, plus any areas used in surface mining  
24 operations which by virtue of their use are susceptible  
25 to excessive erosion.

26 For the purpose of this article, "operator" shall mean  
27 any individual, a corporation, a partnership, an association  
28 or a trust which is granted a permit to engage in any  
29 activity covered by this article.

**Sec. 5-a. Excepting Persons, Firms, etc., from Reclama-**

**tion Requirements Respecting a Quarry; Computation of  
the Amount of Performance Bonds Required by Article;**

**Definition of Quarry.**—Any provision of this article or of article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to the contrary notwithstanding, (1) an individual, firm, partnership, association, trust, corporation, or operator (a) shall not be subject to any duty or requirement whatever with respect to the reclamation of a quarry and (b) shall not be required to include acreages encompassed by a quarry and by preparation and processing plants, offices, laboratories, or other buildings incidental to the operation of a quarry in the computation of the amount of the bond required by section five of this article; and (2) the amount of the bond for the recovery of limestone, sand, or sandstone shall not be subject to any minimum requirements of sections five of this article. For the purpose of this section, “quarry” shall mean the empty space or crater from which limestone, sand, or sandstone has been removed or will be removed in the next ensuing one and

22 one-half years, which space or crater shall include the  
23 floor or pavement and vertical walls but shall not include  
24 adjacent disturbed overburdened areas.

**Sec. 5-b. Excepting Persons, Firms, etc., from Reclama-  
2 tion Requirements Respecting the Removal of Earth or  
3 Stone Recovered for Borrow and Fill Material for Grad-  
4 ing in Federal and State Highway Construction Projects.**

5 —Any provision of this article or of article six, chapter  
6 twenty of the code of West Virginia, one thousand nine  
7 hundred thirty-one, as amended, to the contrary notwith-  
8 standing, an individual, firm, partnership, association,  
9 trust, corporation, or operator shall not be subject to any  
10 duty or requirement whatever with respect to reclama-  
11 tion requirements when engaged in the removal for bor-  
12 row and fill material for grading in federal and state high-  
13 way construction projects: *Provided*, That the provisions  
14 of the highway construction contract requires the fur-  
15 nishing of a suitable bond which provides for reclamation  
16 wherever practicable of the areas affected by such recov-  
17 ery activity.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*O. Roy Parker*

Chairman Senate Committee

*Ethel L. Caudall*

Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

*Howard W. Carson*

Clerk of the Senate

*C. A. Blankenship*

Clerk of the House of Delegates

*Howard W. Carson*

President of the Senate

*James W. Singleton*

Speaker House of Delegates

The within *approved* this the *13<sup>th</sup>*  
day of *February*, 1964.

*W. W. Bason*

Governor

