WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

SENATE BILL NO. 10

(By Mr. Martin)

PASSED February 5, 1964

In Effect Ninety days from Passage

FILED IN THE OFFICE OF JOE F. BURDITT
SECRETARY OF STATE THIS DATE 2-11-64
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,
the term "surface mining" shall include all industrial
activity for the recovery of minerals except those ac-
tivities subject to the provisions of articles one, two, four,
five and seven of chapter twenty-two of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, and, subject to such exception, shall include
plant and equipment used in processing said minerals.
For the purpose of this article, “a surface mine” shall
include all areas surface mined or being surface mined
as well as adjacent areas ancillary to the operation to-
gether with preparation and processing plants, storage
areas and haulageways: Provided, That such areas are
sufficiently concentrated that they can be adequately
supervised by one foreman: And provided further, That
mines subject to the provisions of articles one, two, four,
five and seven of chapter twenty-two of the code of West
Virginia, as amended, are not “surface mines” within this
definition.
For the purpose of this article, "disturbed land" shall include the area from which the overburden has been removed in surface mining operations, plus the area covered by the spoil, and any areas used in surface mining operations which by virtue of their use are susceptible to excessive erosion.

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

CHAPTER 22. MINES AND MINERALS.

Article 2A. Surface Mining.

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

For the purpose of this article, a "surface mine" shall
include all areas surface mined or being surface mined, as well as adjacent areas ancillary to the operation, together with preparation and processing plants, storage areas and haulageways. Provided, That such areas are sufficiently concentrated that they can be adequately supervised by one foreman: And provided further, That mines subject to the provisions of articles one, two, four, five and seven of chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, are not "surface mines" within this definition.

For the purpose of this article, "disturbed land" shall include the area from which the overburden has been removed in surface mining operations, plus the area covered by the spoil, plus any areas used in surface mining operations which by virtue of their use are susceptible to excessive erosion.

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

Sec. 5-a. Excepting Persons, Firms, etc., from Reclama-
2 tion Requirements Respecting a Quarry; Computation of
3 the Amount of Performance Bonds Required by Article;
4 Definition of Quarry.—Any provision of this article or of
5 article six, chapter twenty of the code of West Virginia,
6 one thousand nine hundred thirty-one, as amended, to the
7 contrary notwithstanding, (1) an individual, firm, part-
8 nership, association, trust, corporation, or operator (a)
9 shall not be subject to any duty or requirement whatever
10 with respect to the reclamation of a quarry and (b) shall
11 not be required to include acreages encompassed by a
12 quarry and by preparation and processing plants, offices,
13 laboratories, or other buildings incidental to the opera-
14 tion of a quarry in the computation of the amount of the
15 bond required by section five of this article; and (2) the
16 amount of the bond for the recovery of limestone, sand,
17 or sandstone shall not be subject to any minimum require-
18 ments of sections five of this article. For the purpose of
19 this section, “quarry” shall mean the empty space or
20 crater from which limestone, sand, or sandstone has been
21 removed or will be removed in the next ensuing one and
one-half years, which space or crater shall include the
floor or pavement and vertical walls but shall not include
adjacent disturbed overburdened areas.

Sec. 5-b. Excepting Persons, Firms, etc., from Reclama-
tion Requirements Respecting the Removal of Earth or
Stone Recovered for Borrow and Fill Material for Grad-
ing in Federal and State Highway Construction Projects.
—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 notwith-
standing, an individual, firm, partnership, association,
trust, corporation, or operator shall not be subject to any
duty or requirement whatever with respect to reclama-
tion requirements when engaged in the removal for bor-
row and fill material for grading in federal and state high-
way construction projects: Provided, That the provisions
of the highway construction contract requires the fur-
nishing of a suitable bond which provides for reclamation
wherever practicable of the areas affected by such recov-
ery activity.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

[Signatures]

President of the Senate

Speaker House of Delegates

The within approved this the 13th day of February, 1964.

[Signature] Governor