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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

SENATE BILL NO. 454

(By Mr. Canine)

—•—

PASSED March 13, 1976

In Effect ninty days from Passage



FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/31/76

ENROLLED
Senate Bill No. 454

(By MR. GAINER)

[Passed March 13, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section sixty-three, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to coal mines; requiring reclamation bond of five thousand dollars per acre; using bond for reclamation of disturbed land not resulting in an operational deep mine; preventing new opening within three hundred feet of existing opening without reclamation; and providing for all reclamation to be under control of department of natural resources.

Be it enacted by the Legislature of West Virginia:

That section sixty-three, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. COAL MINES.

§22-2-63. No mine to be opened or reopened without prior approval of director of department of mines; approval fee; extension of certificate of approval; certificates not transferable; section to be printed on certificates.

- 1 (a) After the effective date of this section, no mine
- 2 shall be opened or reopened unless prior approval has
- 3 been obtained from the director of the department of
- 4 mines, which approval shall not be unreasonably with-
- 5 held. The operator shall pay for such approval a fee of
- 6 ten dollars, which payment shall be tendered with the
- 7 operator's application for such approval: *Provided,*

8 That mines producing coal solely for the operator's
9 use shall be issued a permit without charge if coal
10 production will be less than fifty tons a year.

11 (b) Within thirty days after January first of each
12 year, the operator of each mine holding a certificate
13 evidencing approval of the director to open a mine,
14 shall apply for the extension of such certificate of ap-
15 proval for an additional year. Such approval, evidenced
16 by a certificate of the director, shall be granted as a
17 matter of right and without charge if, at the time such
18 application is made, the operator is in compliance with
19 the provisions of section seventy-two of this article.
20 Applications for extension of such certificates of ap-
21 proval not submitted within the time required shall be
22 processed as an application to open or reopen a
23 mine and shall be accompanied by a fee of ten dol-
24 lars.

25 (c) Certificates of approval issued pursuant to this
26 section shall not be transferable.

27 (d) The provisions of this section shall be printed
28 on the reverse side of every certificate issued here-
29 under.

30 (e) On or after the first day of July, one thousand
31 nine hundred seventy-six, no mine shall be opened or
32 reopened unless a surface disturbed reclamation bond
33 in the amount of five thousand dollars per acre is sub-
34 mitted to the department of mines for the removal of
35 unused surface structures, the sealing of abandoned
36 mine openings, and the reclamation of any land dis-
37 turbed that does not result in an operational deep mine.
38 The district mine inspector shall be contacted for a
39 preinspection of the area proposed for underground min-
40 ing prior to the issuance of any new opening approval.
41 The above-mentioned bond shall go into a separate fund
42 and must be submitted separate, when application is
43 made for the issuance of a deep-mine permit.

44 (f) On or after the first day of July, one thousand
45 nine hundred seventy-four, no mine shall be opened
46 or reopened where the total area of surface disturbance
47 at the outcrop of the coal seam is greater than four

48 hundred lineal feet and where coal is removed or to
49 be removed commercially or for commercial purposes
50 from this area unless a surface-mine reclamation bond
51 as required in articles six and six-a, chapter twenty of
52 the code be first obtained covering the area to be dis-
53 turbed.

54 (g) On or after the first day of July, one thousand nine
55 hundred seventy-six, no new opening approval shall be is-
56 sued in any mining operation for an opening within three
57 hundred feet of any existing active opening by any
58 operator unless reclamation of any disturbed land is
59 completed as required in article six of chapter twenty
60 of the code, if such opening is first approved by the
61 department of mines. All such restoration and recla-
62 mation of disturbed lands resulting from a deep-mine
63 operation shall be under the jurisdiction and control, and
64 subject to the provisions of the reclamation division of
65 the department of natural resources in accordance with
66 the requirements of article six of chapter twenty of the
67 code.

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

James L. Davis

Chairman Senate Committee

Clarence C. Chute

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. C. Dillon, Jr.

Clerk of the Senate

E. Blankenship

Clerk of the House of Delegates

W. B. Roberts

President of the Senate

Lewis F. F. Harris

Speaker House of Delegates

The within *approved* this the *29th*
day of *March*, 1976

Arva. Shaver, Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/76

Time 3:45 p.m.