WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 454

(By Mr. [Signature])

PASSED March 13, 1976
In Effect ninety days from Passage

FILLED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA
THIS DATE 3/31/76
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 shall be opened or reopened unless prior approval has been obtained from the director of the department of mines, which approval shall not be unreasonably withheld. The operator shall pay for such approval a fee of ten dollars, which payment shall be tendered with the operator's application for such approval: Provided,
That mines producing coal solely for the operator's use shall be issued a permit without charge if coal production will be less than fifty tons a year.

(b) Within thirty days after January first of each year, the operator of each mine holding a certificate evidencing approval of the director to open a mine, shall apply for the extension of such certificate of approval for an additional year. Such approval, evidenced by a certificate of the director, shall be granted as a matter of right and without charge if, at the time such application is made, the operator is in compliance with the provisions of section seventy-two of this article. Applications for extension of such certificates of approval not submitted within the time required shall be processed as an application to open or reopen a mine and shall be accompanied by a fee of ten dollars.

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

(d) The provisions of this section shall be printed on the reverse side of every certificate issued hereunder.

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

(f) On or after the first day of July, one thousand nine hundred seventy-four, no mine shall be opened or reopened where the total area of surface disturbance at the outcrop of the coal seam is greater than four
hundred lineal feet and where coal is removed or to be removed commercially or for commercial purposes from this area unless a surface-mine reclamation bond as required in articles six and six-a, chapter twenty of the code be first obtained covering the area to be disturbed.

(g) On or after the first day of July, one thousand nine hundred seventy-six, no new opening approval shall be issued in any mining operation for an opening within three hundred feet of any existing active opening by any operator unless reclamation of any disturbed land is completed as required in article six of chapter twenty of the code, if such opening is first approved by the department of mines. All such restoration and reclamation of disturbed lands resulting from a deep-mine operation shall be under the jurisdiction and control, and subject to the provisions of the reclamation division of the department of natural resources in accordance with the requirements of article six of chapter twenty of the code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within 

Approved this the 29th

day of 

March, 1976

Governor
PRESENTED TO THE
GOVERNOR

Date 3/24/76
Time 3:45 p.m.