

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

NO: 585

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

SENATE BILL NO. 585

(By Mr. Staggers & Mr. Baettna)

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PASSED April 9, 1981

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 585

(By MR. STAGGERS and MR. BOETTNER)

[Passed April 9, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to general environmental protection performance standards for surface mining; variances; revegetation of reclaimed areas.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. SURFACE MINING AND RECLAMATION.

§20-6-13. General environmental protection performance standards for surface mining; variances.

1 (a) Any permit issued by the director pursuant to this
2 article to conduct surface-mining operations shall require
3 that such surface-mining operations will meet all applicable
4 performance standards of this article, and such other
5 requirements as the reclamation commission shall
6 promulgate.

7 (b) The following general performance standards shall be
8 applicable to all surface mines and shall require the operation
9 as a minimum to:

10 (1) Maximize the utilization and conservation of the solid
11 fuel resource being recovered to minimize reffecting the
12 land in the future through surface mining;

13 (2) Restore the land affected to a condition capable of
14 supporting the uses which it was capable of supporting prior

15 to any mining, or higher or better uses of which there is
16 reasonable likelihood so long as such use or uses do not
17 present any actual or probable hazard to public health or
18 safety or pose any actual or probable threat of water
19 diminution or pollution, and the permit applicants' declared
20 proposed land use following reclamation is not deemed to be
21 impractical or unreasonable, inconsistent with applicable
22 land use policies and plans, involves unreasonable delay in
23 implementation, or is violative of federal, state, or local law;

24 (3) Except as provided in subsection (c) of this section,
25 with respect to all surface mines, backfill, compact where
26 advisable to ensure stability or to prevent leaching of toxic
27 materials, and grade in order to restore the approximate
28 original contour: *Provided*, That in surface mining which is
29 carried out at the same location over a substantial period of
30 time where the operation transects the coal deposit, and the
31 thickness of the coal deposits relative to the volume of the
32 overburden is large and where the operator demonstrates that
33 the overburden and other spoil and waste materials at a
34 particular point in the permit area or otherwise available from
35 the entire permit area is insufficient, giving due consideration
36 to volumetric expansion, to restore the approximate original
37 contour, the operator, at a minimum shall backfill, grade, and
38 compact, where advisable, using all available overburden and
39 other spoil and waste materials to attain the lowest
40 practicable grade but not more than the angle of repose, to
41 provide adequate drainage and to cover all acid-forming and
42 other toxic materials, in order to achieve an ecologically
43 sound land use compatible with the surrounding region:
44 *Provided, however*, That in surface mining where the volume
45 of overburden is large relative to the thickness of the coal
46 deposit and where the operator demonstrates that due to
47 volumetric expansion the amount of overburden and other
48 spoil and waste materials removed in the course of the mining
49 operation is more than sufficient to restore the approximate
50 original contour, the operator shall, after restoring the
51 approximate contour, backfill, grade, and compact, where
52 advisable, the excess overburden and other spoil and waste
53 materials to attain the lowest grade but not more than the
54 angle of repose, and to cover all acid-forming and other toxic
55 materials, in order to achieve an ecologically sound land use
56 compatible with the surrounding region and, such
57 overburden or spoil shall be shaped and graded in such a way

58 as to prevent slides, erosion, and water pollution and is
59 revegetated in accordance with the requirements of this
60 article: *Provided further*, That the reclamation commission
61 shall promulgate rules and regulations governing variances to
62 the requirements for return to approximate original contour
63 or highwall elimination and where adequate material is not
64 available from surface-mining operations permitted after the
65 effective date of this article for (A) underground mining
66 operations existing prior to the third day of August, one
67 thousand nine hundred seventy-seven, or (B) for areas upon
68 which surface mining prior to the first day of July, one
69 thousand nine hundred seventy-seven, created highwalls;
70 (4) Stabilize and protect all surface areas including spoil
71 piles, affected by the surface-mining operation to effectively
72 control erosion and attendant air and water pollution;
73 (5) Remove the topsoil from the land in a separate layer,
74 replace it on the backfill area, or if not utilized immediately,
75 segregate it in a separate pile from other spoil and when the
76 topsoil is not replaced on a backfill area within a time short
77 enough to avoid deterioration of the topsoil, maintain a
78 successful vegetative cover by quick growing plants or by
79 other similar means in order to protect topsoil from wind and
80 water erosion and keep it free of any contamination by other
81 acid or toxic material: *Provided*, That if topsoil is of
82 insufficient quantity or of poor quality for sustaining
83 vegetation, or if other strata can be shown to be more suitable
84 for vegetation requirements, then the operator shall remove,
85 segregate and preserve in a like manner such other strata
86 which is best able to support vegetation;
87 (6) Restore the topsoil or the best available subsoil which
88 is best able to support vegetation;
89 (7) Ensure that all prime farm lands are mined and
90 reclaimed in accordance with the specifications for soil
91 removal, storage, replacement and reconstruction established
92 by the United States secretary of agriculture and the soil
93 conservation service pertaining thereto. The operator, as a
94 minimum, shall be required to: (A) Segregate the A horizon of
95 the natural soil, except where it can be shown that other
96 available soil materials will create a final soil having a greater
97 productive capacity, and if not utilized immediately,
98 stockpile this material separately from other spoil, and
99 provide needed protection from wind and water erosion or
100 contamination by other acid or toxic material; (B) segregate

101 the B horizon of the natural soil, or underlying C horizons or
102 other strata, or a combination of such horizons or other strata
103 that are shown to be both texturally and chemically suitable
104 for plant growth and that can be shown to be equally or more
105 favorable for plant growth than the B horizon, in sufficient
106 quantities to create in the regraded final soil a root zone of
107 comparable depth and quality to that which existed in the
108 natural soil, and if not utilized immediately, stockpile this
109 material separately from other spoil and provide needed
110 protection from wind and water erosion or contamination by
111 other acid or toxic material; (C) replace and regrade the root
112 zone material described in subparagraph (B) above with
113 proper compaction and uniform depth over the regraded
114 spoil material; and (D) redistribute and grade in a uniform
115 manner the surface soil horizon described in subparagraph
116 (A) above;

117 (8) Create, if authorized in the approved surface-mining
118 and reclamation plan and permit, permanent impoundments
119 of water on mining sites as part of reclamation activities in
120 accordance with regulations promulgated by the reclamation
121 commission;

122 (9) Where augering is the method of recovery, seal all
123 auger holes with an impervious and noncombustible material
124 in order to prevent drainage except where the director
125 determines that the resulting impoundment of water in such
126 auger holes may create a hazard to the environment or the
127 public welfare and safety: *Provided*, That the director may
128 prohibit augering if necessary to maximize the utilization,
129 recoverability or conservation of the mineral resources or to
130 protect against adverse water quality impacts;

131 (10) Minimize the disturbances to the prevailing
132 hydrologic balance at the mine site and in associated off-site
133 areas and to the quality and quantity of water in surface and
134 ground water systems both during and after surface-mining
135 operations and during reclamation by: (A) Avoiding acid or
136 other toxic mine drainage; (B) conducting surface-mining
137 operations so as to prevent to the extent possible, using the
138 best technology currently available, additional contributions
139 of suspended solids to streamflow or runoff outside the
140 permit area, but in no event shall contributions be in excess
141 of requirements set by applicable state law; (C) constructing
142 an approved drainage system pursuant to subparagraph (B)

143 of this subdivision prior to commencement of surface-mining
144 operations, such system to be certified by a person approved
145 by the director to be constructed as designed and as approved
146 in the reclamation plan; (D) avoiding channel deepening or
147 enlargement in operations requiring the discharge of water
148 from mines; (E) unless otherwise authorized by the director,
149 cleaning out and removing temporary or large settling ponds
150 or other siltation structures after disturbed areas are
151 revegetated and stabilized, and depositing the silt and debris
152 at a site and in a manner approved by the director; (F)
153 restoring recharge capacity of the mined area to approximate
154 premining conditions; and (G) such other actions as the
155 reclamation commission may prescribe;

156 (11) With respect to surface disposal of mine wastes,
157 tailings, coal processing wastes and other wastes in areas
158 other than the mine working excavations, stabilize all waste
159 piles in designated areas through construction in compacted
160 layers, including the use of noncombustible and impervious
161 materials if necessary, and assure the final contour of the
162 waste pile will be compatible with natural surroundings and
163 that the site will be stabilized and revegetated according to
164 the provisions of this article;

165 (12) Design, locate, construct, operate, maintain, enlarge,
166 modify and remove or abandon, in accordance with the
167 standards and criteria developed pursuant to subsection (f) of
168 this section, all existing and new coal mine waste piles
169 consisting of mine wastes, tailings, coal processing wastes or
170 other liquid and solid wastes, and used either temporarily or
171 permanently as dams or embankments;

172 (13) Refrain from surface mining within five hundred feet
173 of any active and abandoned underground mines in order to
174 prevent breakthroughs and to protect health or safety of
175 miners: *Provided*, That the director shall permit an operator
176 to mine near, through or partially through an abandoned
177 underground mine or closer to an active underground mine
178 if: (A) The nature, timing and sequencing of the approximate
179 coincidence of specific surface mine activities with specific
180 underground mine activities are coordinated jointly by the
181 operators involved and approved by the director of the
182 department of mines, and (B) such operations will result in
183 improved resource recovery, abatement of water pollution or
184 elimination of hazards to the health and safety of the public:

185 *Provided*, That any breakthrough which does occur shall be
186 sealed;

187 (14) Ensure that all debris, acid-forming materials, toxic
188 materials or materials constituting a fire hazard are treated or
189 buried and compacted or otherwise disposed of in a manner
190 designed to prevent contamination of ground or surface
191 waters and that contingency plans are developed to prevent
192 sustained combustion: *Provided*, That the operator shall
193 remove or bury all metal, lumber, equipment and other debris
194 resulting from the operation before grading release;

195 (15) Ensure that explosives are used only in accordance
196 with existing state and federal law and the regulations
197 promulgated by the reclamation commission, which shall
198 include provisions to: (A) Provide adequate advance written
199 notice to local governments and residents who might be
200 affected by the use of such explosives by publication of the
201 planned blasting schedule in a newspaper of general
202 circulation in the locality and by mailing a copy of the
203 proposed blasting schedule to every resident living within
204 one-half mile of the proposed permit area excluding drainage
205 structures, haulroads and access roads unless there will be
206 blasting on or near such structures or roads: *Provided*, That
207 this notice shall suffice as daily notice to residents or
208 occupants of such areas; (B) maintain for a period of at least
209 three years and make available for public inspection, upon
210 written request a log detailing the location of the blasts, the
211 pattern and depth of the drill holes, the amount of explosives
212 used per hole and the order and length of delay in the blasts;
213 (C) limit the type of explosives and detonating equipment, the
214 size, the timing and frequency of blasts based upon the
215 physical conditions of the site so as to prevent (i) injury to
216 persons; (ii) damage to public and private property outside
217 the permit area; (iii) adverse impacts on any underground
218 mine; and (iv) change in the course, channel or availability of
219 ground or surface water outside the permit area; (D) require
220 that all blasting operations be conducted by persons certified
221 by the director of the department of mines; and (E) provide
222 that upon written request of a resident or owner of a
223 man-made dwelling or structure within one-half mile of any
224 portion of the area identified in subparagraph (A) of this
225 subdivision, the applicant or permittee shall conduct a
226 preblasting survey or other appropriate investigation of such

227 structures and submit the results to the director and a copy to
228 the resident or owner making the request. The area of the
229 survey shall be determined by the director in accordance with
230 regulations promulgated by the reclamation commission;

231 (16) Ensure that all reclamation efforts proceed in an
232 environmentally sound manner and as contemporaneously as
233 practicable with the surface-mining operations. Time limits
234 shall be established by the reclamation commission requiring
235 backfilling, grading and planting to be kept current:
236 *Provided*, That where surface-mining operations and
237 underground mining operations are proposed on the same
238 area, which operations must be conducted under separate
239 permits, the director may grant a variance from the
240 requirement that reclamation efforts proceed as
241 contemporaneously as practicable to permit underground
242 mining operations prior to reclamation;

243 (A) If the director finds in writing that:

244 (i) The applicant has presented, as part of the permit
245 application, specific, feasible plans for the proposed
246 underground mining operations;

247 (ii) The proposed underground mining operations are
248 necessary or desirable to assure maximum practical recovery
249 of the mineral resource and will avoid multiple disturbance of
250 the surface;

251 (iii) The applicant has satisfactorily demonstrated that the
252 plan for the underground mining operations conforms to
253 requirements for underground mining in the jurisdiction and
254 that permits necessary for the underground mining
255 operations have been issued by the appropriate authority;

256 (iv) The areas proposed for the variance have been shown
257 by the applicant to be necessary for the implementing of the
258 proposed underground mining operations;

259 (v) No substantial adverse environmental damage, either
260 on-site or off-site, will result from the delay in completion of
261 reclamation as required by this article;

262 (vi) Provisions for the off-site storage of spoil will comply
263 with subdivision (22), subsection (b), section thirteen of this
264 article;

265 (B) If the reclamation commission has promulgated
266 specific regulations to govern the granting of such variances
267 in accordance with the provisions of this subparagraph and
268 has imposed such additional requirements as he deems
269 necessary;

270 (C) If variances granted under the provisions of this sub-
271 section are to be reviewed by the director not more than three
272 years from the date of issuance of the permit; and

273 (D) If liability under the bond filed by the applicant with
274 the director pursuant to subsection (b), section twelve of this
275 article shall be for the duration of the underground mining
276 operations and until the requirements of subsection (g), sec-
277 tion twelve and section twenty-six of this article, have been
278 fully compiled with.

279 (17) Ensure that the construction, maintenance and post-
280 mining conditions of access and haulroads into and across the
281 site of operations will control or prevent erosion and siltation,
282 pollution of water, damage to fish or wildlife or their habitat,
283 or public or private property: *Provided*, That access roads
284 constructed for and used to provide infrequent service to
285 surface facilities, such as ventilators or monitoring devices,
286 shall be exempt from specific construction criteria provided
287 adequate stabilization to control erosion is achieved through
288 alternative measures;

289 (18) Refrain from the construction of roads or other access
290 ways up a stream bed or drainage channel or in such proxim-
291 ity to such channel so as to significantly alter the normal flow
292 of water;

293 (19) Establish on the regraded areas, and all other lands
294 affected, a diverse, effective and permanent vegetative cover
295 of the same seasonal variety native to the area of land to be
296 affected or of a fruit, grape or berry producing variety suitable
297 for human consumption and capable of self-regeneration and
298 plant succession at least equal in extent of cover to the
299 natural vegetation of the area, except that introduced species
300 may be used in the revegetation process where desirable or
301 when necessary to achieve the approved postmining land use
302 plan;

303 (20) Assume the responsibility for successful revegetation,
304 as required by subdivision (19) of this subsection, for a period
305 of not less than five growing seasons, as defined by the direc-
306 tor, after the last year of augmented seeding, fertilizing, irriga-
307 tion or other work in order to assure compliance with sub-
308 division (19) of this subsection: *Provided*, That when the di-
309 rector issues a written finding approving a long-term agricul-
310 tural postmining land use as a part of the mining and reclama-
311 tion plan, the director may grant exception to the provisions

312 of subdivision (19) of this subsection: *Provided, however,*
313 That when the director approves an agricultural postmining
314 land use, the applicable five growing seasons of responsibility
315 for revegetation shall commence at the date of initial planting
316 for such agricultural postmining and use;

317 (21) Protect off-site areas from slides or damage occurring
318 during surface-mining operations and not deposit spoil mate-
319 rial or locate any part of the operations or waste accumula-
320 tions outside the permit area: *Provided, however,* That spoil
321 material may be placed outside the permit area, if approved
322 by the director, after a finding that environmental benefits
323 will result from such;

324 (22) Place all excess spoil material resulting from surface
325 mining activities in such a manner that: (A) Spoil is trans-
326 ported and placed in a controlled manner in position for con-
327 current compaction and in such a way to assure mass stability
328 and to prevent mass movement; (B) the areas of disposal are
329 within the bonded permit areas and all organic matter shall
330 be removed immediately prior to spoil placements; (C) ap-
331 propriate surface and internal drainage system or diversion
332 ditches are used to prevent spoil erosion and movement; (D)
333 the disposal area does not contain springs, natural water
334 courses or wet weather seeps, unless lateral drains are con-
335 structed from the wet areas to the main underdrains in a
336 manner that filtration of the water into the spoil pile will be
337 prevented; (E) if placed on a slope, the spoil is placed upon
338 the most moderate slope among those upon which, in the
339 judgment of the director, the spoil could be placed in com-
340 pliance with all the requirements of this article, and shall be
341 placed, where possible, upon, or above, a natural terrace,
342 bench or berm, if such placement provides additional stabil-
343 ity and prevents mass movement; (F) where the toe of the
344 spoil rests on a downslope, a rock toe buttress, of sufficient
345 size to prevent mass movement, is constructed; (G) the final
346 configuration is compatible with the natural drainage pattern
347 and surroundings and suitable for intended uses; (H) design
348 of the spoil disposal area is certified by a qualified registered
349 professional engineer in conformance with professional stan-
350 dards; and (I) all other provisions of this article are met:
351 *Provided,* That where the excess spoil material consists of at
352 least eighty percent, by volume, sandstone, limestone, or
353 other rocks that do not slake in water, the director may ap-

354 prove alternate methods for disposal of excess spoil material,
355 including fill placement by dumping in a single lift, on a site
356 specific basis: *Provided, however*, That the services of a qual-
357 ified registered professional engineer experienced in the de-
358 sign and construction of earth and rockfill embankment are
359 utilized: *Provided further*, That such approval shall not be
360 unreasonably withheld if the site is suitable;

361 (23) Meet such other criteria as are necessary to achieve
362 reclamation in accordance with the purposes of this article,
363 taking into consideration the physical, climatological and
364 other characteristics of the site;

365 (24) To the extent possible, using the best technology cur-
366 rently available, minimize disturbances and adverse impacts
367 of the operation on fish, wildlife and related environmental
368 values, and achieve enhancement of such resources where
369 practicable; and

370 (25) Retain a natural barrier to inhibit slides and erosion
371 on permit areas where outcrop barriers are required: *Pro-*
372 *vided*, That constructed barriers may be allowed where (A)
373 natural barriers do not provide adequate stability, (B) natural
374 barriers would result in potential future water quality de-
375 terioration, and (C) natural barriers would conflict with the
376 goal of maximum utilization of the mineral resource: *Pro-*
377 *vided, however*, That at a minimum, the constructed barrier
378 must be of sufficient width and height to provide adequate
379 stability and the stability factor must equal or exceed that of
380 the natural outcrop barrier: *Provided further*, That where
381 water quality is paramount, the constructed barrier must be
382 composed of impervious material with controlled discharge
383 points.

384 (c) (1) The reclamation commission may prescribe proce-
385 dures pursuant to which the director may permit surface-
386 mining operations for the purposes set forth in subdivision (3)
387 of this subsection.

388 (2) Where an applicant meets the requirements of subdivi-
389 sions (3) and (4) of this subsection, a permit without regard to
390 the requirement to restore to approximate original contour
391 set forth in subsection (b) or (d) of this section may be granted
392 for the surface mining of coal where the mining operation will
393 remove an entire coal seam or seams running through the
394 upper fraction of a mountain, ridge or hill, except as provided
395 in subparagraph (A), subdivision (4) of this subsection, by

396 removing all of the overburden and creating a level plateau or
397 a gently rolling contour with no highwalls remaining, and
398 capable of supporting postmining uses in accordance with
399 the requirements of this subsection.

400 (3) In cases where an industrial, commercial, woodland,
401 agricultural, residential or public use is proposed for the
402 postmining use of the affected land, the director may grant a
403 permit for a surface-mining operation of the nature described
404 in subdivision (2) of this subsection where: (A) The proposed
405 postmining land use is deemed to constitute an equal or
406 better use of the affected land, as compared with premining
407 use; (B) the applicant presents specific plans for the proposed
408 postmining land use and appropriate assurances that such
409 use will be: (i) Compatible with adjacent land uses; (ii)
410 practicable with respect to achieving the proposed use; (iii)
411 supported by commitments from public agencies where
412 appropriate; (iv) practicable with respect to private financial
413 capability for completion of the proposed use; (v) planned
414 pursuant to a schedule attached to the reclamation plan so as
415 to integrate the mining operation and reclamation with the
416 postmining land use; and (vi) designed by a person approved
417 by the director in conformance with standards established to
418 assure the stability, drainage and configuration necessary for
419 the intended use of the site; (C) the proposed use would be
420 compatible with adjacent land uses, and existing state and
421 local land use plans and programs; (D) the director provides
422 the county commission of the county in which the land is
423 located and any state or federal agency which the director, in
424 his discretion, determines to have an interest in the proposed
425 use, an opportunity of not more than sixty days to review and
426 comment on the proposed use; and (E) all other requirements
427 of this article will be met.

428 (4) In granting any permit pursuant to this subsection, the
429 director shall require that: (A) A natural barrier be retained to
430 inhibit slides and erosion on permit areas where outcrop
431 barriers are required: *Provided*, That constructed barriers
432 may be allowed where (i) natural barriers do not provide
433 adequate stability, (ii) natural barriers would result in
434 potential future water quality deterioration, and (iii) natural
435 barriers would conflict with the goal of maximum utilization
436 of the mineral resource: *Provided, however*, That at a
437 minimum, the constructed barrier must be of sufficient width

438 and height to provide adequate stability and the stability
439 factor must equal or exceed that of the natural outcrop
440 barrier: *Provided further*, That where water quality is
441 paramount, the constructed barrier must be composed of
442 impervious material with controlled discharge points; (B) the
443 reclaimed area is stable; (C) the resulting plateau or rolling
444 contour drains inward from the out slopes except at specific
445 points; (D) no damage will be done to natural watercourses;
446 (E) spoil will be placed on the mountaintop bench as is
447 necessary to achieve the planned postmining land use:
448 *Provided*, That all excess spoil material not retained on the
449 mountaintop shall be placed in accordance with the
450 provisions of subdivision (22), subsection (b) of this section;
451 and (F) ensure stability of the spoil retained on the
452 mountaintop and meet the other requirements of this article.

453 (5) All permits granted under the provisions of this
454 subsection shall be reviewed not more than three years from
455 the date of issuance of the permit, unless the applicant
456 affirmatively demonstrates that the proposed development is
457 proceeding in accordance with the terms of the approved
458 schedule and reclamation plan.

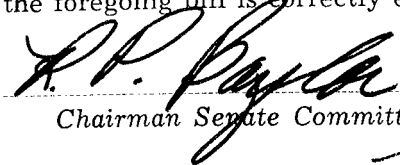
459 (d) In addition to those general performance standards
460 required by this section, when surface mining occurs on
461 slopes of twenty degrees or greater, or on such lesser slopes as
462 may be defined by regulation after consideration of soil and
463 climate, no debris, abandoned or disabled equipment, spoil
464 material or waste mineral matter will be placed on the natural
465 downslope below the initial bench or mining cut: *Provided*,
466 That soil or spoil material from the initial cut of earth in a new
467 surface-mining operation may be placed on a limited
468 specified area of the downslope below the initial cut if the
469 permittee can establish to the satisfaction of the director that
470 the soil or spoil will not slide and that the order requirements
471 of this section can still be met.

472 (e) The reclamation commission may promulgate
473 regulations pursuant to which the director may permit
474 variances from the requirements of this section: *Provided*,
475 That the watershed control of the area is improved: *Provided*,
476 however, That complete backfilling with spoil material shall
477 be required to completely cover the highwall, which material
478 will maintain stability following mining and reclamation.

479 (f) The reclamation commission shall promulgate

480 regulations for the design, location, construction,
481 maintenance, operation, enlargement, modification, removal
482 and abandonment of new and existing coal mine waste piles.
483 In addition to engineering and other technical specifications,
484 the standards and criteria developed pursuant to this
485 subsection must include provisions for review and approval
486 of plans and specifications prior to construction,
487 enlargement, modification, removal or abandonment;
488 performance of periodic inspections during construction;
489 issuance of certificates of approval upon completion of
490 construction; performance of periodic safety inspections; and
491 issuance of notices and orders for required remedial or
492 maintenance work or affirmative action: *Provided, That*
493 whenever the director finds that any coal processing waste
494 pile constitutes an imminent danger to human life, he may, in
495 addition to all other remedies and without the necessity of
496 obtaining the permission of any person prior or present who
497 operated or operates the pile or the landowners involved,
498 enter upon the premises where any such coal processing
499 waste pile exists and may take or order to be taken such
500 remedial action as may be necessary or expedient to secure
501 such coal processing waste pile and to abate the conditions
502 which cause the danger to human life: *Provided, however,*
503 That the cost reasonably incurred in any remedial action
504 taken by the director under this subsection may be paid for
505 initially by funds appropriated to the department of natural
506 resources for such purposes, and such sums so expended
507 shall be recovered from any responsible operator or
508 landowner, individually or jointly, by suit initiated by the
509 attorney general at the request of the director. For purposes
510 of this subsection “operates” or “operated” means to enter
511 upon a coal processing waste pile, or part thereof, for the
512 purpose of disposing, depositing, dumping coal processing
513 wastes thereon or removing coal processing waste therefrom,
514 or to employ a coal processing waste pile for retarding the
515 flow of or for the impoundment of water.

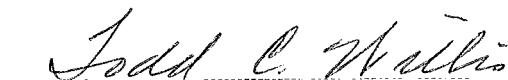
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

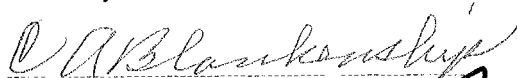

Chairman Senate Committee

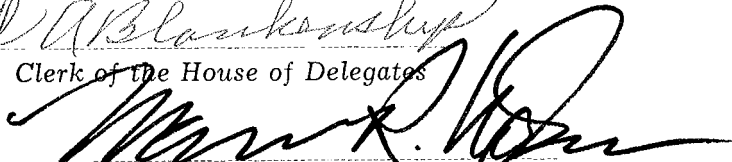

Chairman House Committee

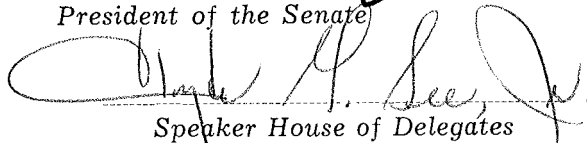
Originated in the Senate.

To take effect ninety days from passage.

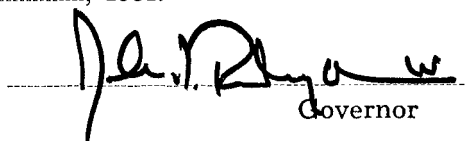

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of April, 1981.


Governor

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