

No. 1 ✓
WEST VIRGINIA LEGISLATURE •

REGULAR SESSION, 1985

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ENROLLED

SENATE BILL NO. 1

(By Mr. Inkovich, Mr. President)

—•—
PASSED March 11, 1985 1985

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 1

(BY MR. TONKOVICH, MR. PRESIDENT)

[Passed March 11, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to surface coal mining and reclamation generally; requiring advertisement and notification of application for surface-mining permit.

Be it enacted by the Legislature of West Virginia:

That section twenty, 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. WEST VIRGINIA SURFACE COAL MINING AND RECLAMATION ACT.

§20-6-20. Public notice; written objections; public hearings; informal conferences.

1 (a) At the time of submission of an application for a
2 surface-mining permit or a significant revision of an
3 existing permit pursuant to the provisions of this article,
4 the applicant shall submit to the department a copy of the
5 required advertisement. At the time of submission, the
6 applicant shall place the advertisement in a local
7 newspaper of general circulation in the county of the
8 proposed surface-mining operation at least once a week for
9 four consecutive weeks. The director shall notify various
10 appropriate federal and state agencies as well as local

11 governmental bodies, planning agencies and sewage and
12 water treatment authorities or water companies in the
13 locality in which the proposed surface-mining operation
14 will take place, notifying them of the operator's intention to
15 mine on a particularly described tract of land and
16 indicating the application number and where a copy of the
17 proposed mining and reclamation plan may be inspected.
18 These local bodies, agencies, authorities or companies may
19 submit written comments within a reasonable period
20 established by the director on the mining application with
21 respect to the effect of the proposed operation on the
22 environment which is within their area of responsibility.
23 Such comments shall be immediately transmitted by the
24 director to the applicant and to the appropriate office of the
25 department. The director shall provide the name and
26 address of each applicant to the commissioner of labor who
27 shall within fifteen days from receipt notify the director as
28 to the applicant's compliance, if necessary, with section
29 fourteen, article five, chapter twenty-one, of this code.

30 (b) Any person having an interest which is or may be
31 adversely affected, or the officer or head of any federal,
32 state or local governmental agency, shall have the right to
33 file written objections to the proposed initial or revised
34 permit application for a surface-mining operation with the
35 director within thirty days after the last publication of the
36 advertisement required in subsection (a) of this section.
37 Such objections shall be immediately transmitted to the
38 applicant by the director and shall be made available to the
39 public. If written objections are filed and an informal
40 conference requested within thirty days of the last
41 publication of the above notice, the director shall then hold
42 a conference in the locality of the proposed mining within
43 three weeks after the close of the public comment period.
44 Those requesting the conference shall be notified and the
45 date, time and location of the informal conference shall also
46 be advertised by the director in a newspaper of general
47 circulation in the locality at least two weeks prior to the
48 scheduled conference date. The director may arrange with
49 the applicant, upon request by any party to the conference
50 proceeding, access to the proposed mining area for the
51 purpose of gathering information relevant to the
52 proceeding. An electronic or stenographic record shall be

53 made of the conference proceeding unless waived by all
54 parties. Such record shall be maintained and shall be
55 accessible to the parties at their respective expense until
56 final release of the applicant's performance bond or other
57 security posted in lieu thereof. The director's authorized
58 agent will preside over the conference. In the event all
59 parties requesting the informal conference stipulate
60 agreement prior to the conference and withdraw their
61 request, a conference need not be held.

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

Blaise O. Williams
Chairman Senate Committee

Floyd Tullen
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Hulse
Clerk of the Senate

Donald L. Webb
Clerk of the House of Delegates

Sam Tankersich
President of the Senate

Joseph P. Albright
Speaker House of Delegates

The within *approved* this the *15th*
day of *March* 1985.

Arch A. Shafer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/3/85
Time 4:00 p.m.
d.t.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE