WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
SENATE BILL NO. 1

(By Mr. Junkovich, 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.

(a) At the time of submission of an application for a surface-mining permit or a significant revision of an existing permit pursuant to the provisions of this article, the applicant shall submit to the department a copy of the required advertisement. At the time of submission, the applicant shall place the advertisement in a local newspaper of general circulation in the county of the proposed surface-mining operation at least once a week for four consecutive weeks. The director shall notify various appropriate federal and state agencies as well as local
governmental bodies, planning agencies and sewage and
treatment authorities or water companies in the
locality in which the proposed surface-mining operation
will take place, notifying them of the operator's intention to
mine on a particularly described tract of land and
indicating the application number and where a copy of the
proposed mining and reclamation plan may be inspected.
These local bodies, agencies, authorities or companies may
submit written comments within a reasonable period
established by the director on the mining application with
respect to the effect of the proposed operation on the
environment which is within their area of responsibility.
Such comments shall be immediately transmitted by the
director to the applicant and to the appropriate office of the
department. The director shall provide the name and
address of each applicant to the commissioner of labor who
shall within fifteen days from receipt notify the director as
to the applicant's compliance, if necessary, with section
fourteen, article five, chapter twenty-one, of this code.

(b) Any person having an interest which is or may be
adversely affected, or the officer or head of any federal,
state or local governmental agency, shall have the right to
file written objections to the proposed initial or revised
permit application for a surface-mining operation with the
director within thirty days after the last publication of the
advertisement required in subsection (a) of this section.
Such objections shall be immediately transmitted to the
applicant by the director and shall be made available to the
public. If written objections are filed and an informal
conference requested within thirty days of the last
publication of the above notice, the director shall then hold
a conference in the locality of the proposed mining within
three weeks after the close of the public comment period.
Those requesting the conference shall be notified and the
date, time and location of the informal conference shall also
be advertised by the director in a newspaper of general
circulation in the locality at least two weeks prior to the
scheduled conference date. The director may arrange with
the applicant, upon request by any party to the conference
proceeding, access to the proposed mining area for the
purpose of gathering information relevant to the
proceeding. An electronic or stenographic record shall be
made of the conference proceeding unless waived by all parties. Such record shall be maintained and shall be accessible to the parties at their respective expense until final release of the applicant's performance bond or other security posted in lieu thereof. The director's authorized agent will preside over the conference. In the event all parties requesting the informal conference stipulate agreement prior to the conference and withdraw their request, a conference need not be held.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

Governor
PRESENTED TO THE
GOVERNOR
Date 3/13/85
Time 4:00 p.m.