

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1409

By: Glover

COMMITTEE SUBSTITUTE

An Act relating to mines and mining; amending 45 O.S. 1991, Section 723, which relates to certain terms; adding to definition; providing for jurisdiction of state agencies over borrow pits; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 45 O.S. 1991, Section 723, is amended to read as follows:

Section 723. Whenever used or referred to in Sections 722 through 738 of this title, unless a different meaning clearly appears from the context:

~~(a)~~ 1. "Overburden" means all of the earth and other materials which lie above natural deposits of minerals, and also means such earth and other materials disturbed from their natural state in the process of surface mining~~;~~i

~~(b)~~ 2. "Mine" means an underground or surface excavation and development with or without shafts, slopes, drifts or tunnels for the extraction of minerals, with hoisting or haulage equipment and appliances for the extraction thereof, and shall embrace any and all of the land or property of the plant, and the surface and underground, that contribute directly or indirectly to the mining properties, concentration or handling of minerals~~;~~i

~~(c)~~ 3. "Mining" means the extraction of minerals from natural deposits by any method or process~~;~~i

~~(d)~~ 4. "Minerals" means asphalt, clay, copper, granite, gravel, gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic ash and zinc, or any other substance commonly recognized

as a mineral, and includes ores or rock containing any such substances, but excludes oil, gas and any other mineral found naturally in a liquid or gaseous state-~~i~~

~~(e)~~ 5. "Underground mining" means those mining operations carried out beneath the surface by means of shafts, slopes, tunnels or other openings leading to the mineral being mined and the extraction of the mineral through such shafts, slopes, tunnels or their openings-~~i~~

~~(f)~~ 6. "Surface mining" means those mining operations carried out on the surface, including strip mining, auger mining, quarrying, dredging, pumping, or the use of hydraulic methods.

Surface mining shall not include excavation or removal of shale, sand, gravel, clay, rock or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavations or grading conducted for forming, on-site road construction or other on-site construction, or the extraction of minerals other than anthracite and bituminous coal by a landowner for his own noncommercial use from land owned or leased by him; nor the extraction of such noncoal minerals for commercial purposes in an amount less than five hundred (500) tons per acre of aggregate or mass of mineral matter in any permit year; nor the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the area affected; nor to the handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process. Surface mining shall not include the surface mining of coal or the surface effects of underground coal mining-~~i~~

~~(g)~~ 7. "Strip mining" means those mining operations carried out by removing the overburden lying above natural deposits of minerals, and mining directly from such natural deposits thereby exposed, but excludes auger mining, quarrying, dredging, pumping or the use of hydraulic methods-~~i~~

~~(h)~~ 8. "Reclamation" means conditioning affected land to make it suitable for any uses or purposes consistent with those enumerated in Section 722 of this title, and to avoid, minimize or correct adverse environmental effects of mining operations~~;~~i

~~(i)~~ 9. "Box cut" means the first open cut in strip mining which results in the placing of overburden on unmined land adjacent to the initial pit and outside the area to be mined~~;~~i

~~(j)~~ 10. "Consolidated material" means material of sufficient hardness or ability to resist weathering and to inhibit erosion or sloughing~~;~~i

~~(k)~~ 11. "Operator" means any person, partnership, firm or corporation engaged in and controlling a mining operation~~;~~i

~~(l)~~ 12. "Pit" means a tract of land from which overburden or minerals have been or are being removed in the process of surface mining~~;~~i

~~(m)~~ 13. "Affected land" means the area of land from which overburden shall have been removed, or upon which overburden or refuse has been deposited, or both~~;~~i

~~(n)~~ 14. "Refuse" means all waste material directly connected with the production, cleaning or preparation of minerals which have been mined by either underground or surface mining method~~;~~i

~~(o)~~ 15. "Ridge" means a lengthened elevation of overburden created in the surface mining process~~;~~i

~~(p)~~ 16. "Peak" means a projecting point of overburden created in the surface mining process~~;~~i

~~(q)~~ 17. "Department" means the office of the Chief Mine Inspector, herein called the Department of Mines and Mining, or such department, bureau or commission as may lawfully succeed to the powers and duties of such department~~;~~i

~~(r)~~ 18. "Director" means the Chief Mine Inspector of the State of Oklahoma or such officer, bureau or commission as may lawfully succeed to the powers and duties of such Chief Mine Inspector; and

19. "Borrow pit" means the one-time or intermittent extraction of sand, gravel, rock, stone, earth or fill for government-financed construction purposes. Such work shall be

performed under a bond, contract and specifications which substantially provide for and require reclamation of the affected area.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 48 of Title 45, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department of Mines shall have jurisdiction over only those borrow pits which are located on property permitted as commercial mining operations pursuant to Title 45 of the Oklahoma Statutes. All other borrow pits shall be within the jurisdiction of the state public entities including but not limited to state agencies, municipalities and counties which executed the contract for government-financed construction purposes.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6358

KSM