

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1697

By: Lerblance

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5
6 AS INTRODUCED

7 An Act relating to mines and mining; amending 45 O.S.
8 2001, Section 723, as amended by Section 1, Chapter
9 194, O.S.L. 2004 (45 O.S. Supp. 2007, Section 723),
which relates to definitions; modifying definition;
and declaring an emergency.

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

13 SECTION 1. AMENDATORY 45 O.S. 2001, Section 723, as
14 amended by Section 1, Chapter 194, O.S.L. 2004 (45 O.S. Supp. 2007,
15 Section 723), is amended to read as follows:

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

19 1. "Overburden" means all of the earth and other materials
20 which lie above natural deposits of minerals, and also means such
21 earth and other materials disturbed from their natural state in the
22 process of surface mining;

23 2. "Mine" means an underground or surface excavation and
24 development with or without shafts, slopes, drifts or tunnels for

1 the extraction of minerals, with hoisting or haulage equipment and
2 appliances for the extraction thereof, and shall embrace any and all
3 of the land or property of the plant, and the surface and
4 underground, that contribute directly or indirectly to the mining
5 properties, concentration or handling of minerals;

6 3. "Mining" means the extraction of minerals from natural
7 deposits by any method or process;

8 4. "Minerals" means asphalt, clay, copper, granite, gravel,
9 gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic
10 ash and zinc, or any other substance commonly recognized as a
11 mineral, and includes ores or rock containing any such substances,
12 but excludes oil, gas and any other mineral found naturally in a
13 liquid or gaseous state;

14 5. "Underground mining" means those mining operations carried
15 out beneath the surface by means of shafts, slopes, tunnels or other
16 openings leading to the mineral being mined and the extraction of
17 the mineral through such shafts, slopes, tunnels or their openings;

18 6. "Surface mining" means those mining operations carried out
19 on the surface, including strip mining, auger mining, quarrying,
20 dredging, pumping, or the use of hydraulic methods.

21 Surface mining shall not include excavation or removal of shale,
22 sand, gravel, clay, rock or other materials in remote areas by an
23 owner or holder of a possessory interest in land for the primary
24 purpose of construction or maintenance of access roads to or on such

1 landowner's property. Surface mining shall not include excavations
2 or grading conducted for forming, on-site road construction or other
3 on-site construction, or the extraction of minerals other than
4 anthracite and bituminous coal by a landowner for his or her own
5 noncommercial use from land owned or leased by him or her; nor the
6 extraction of such noncoal minerals for commercial purposes in an
7 amount less than five hundred (500) tons per acre of aggregate or
8 mass of mineral matter in any permit year, provided that the area
9 shall be substantially reclaimed within six (6) months following the
10 end of the permit year; nor the extraction of sand, gravel, rock,
11 stone, earth or fill from borrow pits for highway construction
12 purposes, so long as such work is performed under a bond, contract
13 and specifications which substantially provide for and require
14 reclamation of the area affected; nor to the handling, processing or
15 storage of slag on the premises of a manufacturer as a part of the
16 manufacturing process. Surface mining shall not include the surface
17 mining of coal or the surface effects of underground coal mining;

18 7. "Strip mining" means those mining operations carried out by
19 removing the overburden lying above natural deposits of minerals,
20 and mining directly from such natural deposits thereby exposed, but
21 excludes auger mining, quarrying, dredging, pumping or the use of
22 hydraulic methods;

23 8. "Reclamation" means conditioning affected land to make it
24 suitable for any uses or purposes consistent with those enumerated

1 in Section 722 of this title, and to avoid, minimize or correct
2 adverse environmental effects of mining operations;

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

6 10. "Consolidated material" means material of sufficient
7 hardness or ability to resist weathering and to inhibit erosion or
8 sloughing;

9 11. "Operator" means any person, partnership, firm or
10 corporation engaged in and controlling a mining operation;

11 12. "Pit" means a tract of land from which overburden or
12 minerals have been or are being removed in the process of surface
13 mining;

14 13. "Affected land" means the area of land from which
15 overburden shall have been removed, or upon which overburden or
16 refuse has been deposited, or both;

17 14. "Refuse" means all waste material directly connected with
18 the production, cleaning or preparation of minerals which have been
19 mined by either underground or surface mining method;

20 15. "Ridge" means a lengthened elevation of overburden created
21 in the surface mining process;

22 16. "Peak" means a projecting point of overburden created in
23 the surface mining process;

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1 17. "Department" means the office of the Chief Mine Inspector,
2 herein called the Department of Mines and Mining, or such
3 department, bureau or commission as may lawfully succeed to the
4 powers and duties of such department;

5 18. "Director" means the Chief Mine Inspector of the State of
6 Oklahoma or such officer, bureau or commission as may lawfully
7 succeed to the powers and duties of such Chief Mine Inspector;

8 19. "Borrow pit" means the one-time or intermittent extraction
9 of sand, gravel, rock, stone, earth or fill in its natural state,
10 not being mechanically altered to affect its size for government-
11 financed construction purposes. Such work shall be performed under
12 a bond, contract and specifications which substantially provide for
13 and require reclamation of the affected area; and

14 20. "Dimension stone quarry" means a site where natural stone
15 used as building material is excavated and the stones are selected,
16 trimmed, or cut to specified shapes or sizes.

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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