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Effective 10-1-99

Act 99-579

- Defines the term "contemporaneous" as occurring at the same time as a surface mining operation and in conjunction with the grading activities at the site.
- Defines the term "highwall" as the unexcavated face of exposed overburden or mineral in an opencast mine or the face or bank on the uphill side of a contour surface mine excavation.
- Defines the term "setback" as an undisturbed buffer strip adjacent to watercourses, lakes, easements, adjoining property, perimeter property lines, road rights-of-way, residences, or other features which could be adversely affected by mining. .
- Requires a "comprehensive reclamation plan".
- Requires "any other information determined by the Department to be necessary in determining whether a permit should be issued".
- Requires the Department to "grant, require modification of, or deny a permit within 30 days and notify the applicant in writing of its action".
- The Department may deny a permit if:
  1. The information contained in the application is incomplete, false, or inaccurate.
  2. The applicant fails to submit a feasible reclamation plan.
  3. The applicant, or operator specified in the application, controls or has controlled a mining operation with a pattern of willful violations of this article.
  4. The applicant, or operator specified in the application, has forfeited a bond for failure to reclaim under this article at any time after the effective date of this act adding this subdivision.
- "A permit issued by the Department shall entitle the applicant to immediately engage in surface mining on the land described in the application for the permit period, provided that all other permits required under other statutes have been obtained".
- Requires operators to commence contemporaneous reclamation of mined areas as set out in their comprehensive reclamation plan approved by the Department. Failure to do so may result in the suspension of mining, until the Department determines that reclamation is being carried out as required.
- Requires that operators leave a minimum 50-foot setback, with no disturbance. The setback shall have lateral support graded to a 3:1 slope or flatter, stabilized, mulched, fertilized, and planted in native grasses and legumes.