

27 f. ~~The chief of the Iowa highway safety patrol.~~
 28 ~~The governor shall also appoint one state senator, one state represen-~~
 29 ~~tative, a member of the board of parole and a supreme court justice.~~
 30 4. The governor shall appoint an executive director of the commis-
 31 sion who shall be his official representative, and who shall be the prin-
 32 cipal executive administrator of the commission ~~and shall also be a~~
 33 ~~member of the commission.~~
 34 All commissioners designated by the governor shall serve at the gov-
 35 ernor's pleasure. *No member of the general assembly shall be ap-*
 36 *pointed as a voting member of the commission.*

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 87

SURFACE COAL MINING

S. F. 314

AN ACT relating to the regulation of surface coal mining, imposing additional fees and providing a penalty for violation of the Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter eighty-three A (83A), Code 1975, is amended by
 2 adding section two (2) of this Act:

1 SEC. 2. NEW SECTION. **Environmental standards.** A surface coal
 2 mining operation for which application for registration is made on and
 3 after July 1, 1976 and, with respect to lands from which the overburden
 4 has not been removed, any coal mining operation existing on July 1,
 5 1976 shall comply with the following environmental standards:

6 1. Spoil, debris, soil, and waste materials from the cut made to ob-
 7 tain access to the coal seam shall be placed according to a plan ap-
 8 proved by the department.

9 2. A diverse, effective and permanent vegetative cover capable of
 10 self-regeneration and plant succession at least equal in extent of cover
 11 to the natural vegetation shall be established on all affected land.
 12 Plant succession includes crop succession if the land had the capability
 13 of the crop succession before registration of a site. Introduced species
 14 may be used in the revegetation process where necessary to achieve the
 15 rehabilitation work required by the department under this chapter. If
 16 the effectiveness of the revegetation requirements of this subsection
 17 cannot be determined by the department before the expiration of the
 18 twelve-month period allowed for rehabilitation pursuant to section
 19 eighty-three A point nineteen (83A.19) of the Code, the department
 20 shall extend the time for rehabilitation as necessary to meet the re-
 21 quirements of this subsection. The department may retain a portion of
 22 the bond or other security under this chapter as necessary to assure per-
 23 formance of the requirements of this subsection.

24 3. Topsoil shall be removed in a separate layer and replaced on the
 25 backfill area, or if not utilized immediately, segregated in a separate
 26 pile from other spoil. For purposes of this chapter "topsoil" means a
 27 nontoxic soil substrate capable of sustaining vegetation as required in
 28 this section. This soil substrate may consist of the A, B, and C soil ho-

29 rizons, a strata beneath these soil horizons, or a mixture of the two.
 30 When the topsoil is not replaced in time to avoid deterioration of the
 31 topsoil, a cover by approved quick-growing plant species shall be main-
 32 tained to preserve the topsoil from wind and water erosion, to free it
 33 from contamination by acid or toxic material from other strata or
 34 drainage, and to assure that the topsoil is in a usable condition for veg-
 35 etation purposes under subsection two (2) of this section. If the topsoil
 36 is of insufficient quantity or of poor quality for sustaining vegetation
 37 and if other strata can be shown to be more suitable for vegetation re-
 38 quirements, the operator shall remove, segregate, preserve, and replace
 39 in a like manner the other strata which is best able to support vegeta-
 40 tion. If the department approves, the operator shall not be required to
 41 separate the topsoil and other strata of subsoil if a mix of the topsoil,
 42 subsoil and soil nutrient is equally suitable for vegetation require-
 43 ments. The operator shall remove, segregate, and replace the mix of
 44 topsoil and other strata in a manner prescribed by the department.

45 4. All coal mine wastes, coal processing wastes, acid forming or other
 46 toxic materials present in the overburden, or other wastes shall be bur-
 47 ied in approved pits and the operator shall stabilize all waste piles in
 48 designated areas through construction and compacted layers with in-
 49 combustibile and impervious materials assuring that the leachate will
 50 not pollute surface or ground waters and that the final contour of the
 51 waste pile will be compatible with natural surroundings and stabilized
 52 and revegetated according to the provisions of this chapter.

53 5. With respect to the use of impoundments for the disposal of coal
 54 mine wastes, coal processing wastes or other liquid or solid wastes, the
 55 operator shall incorporate engineering practices approved by the de-
 56 partment for the design and construction of water retention facilities to
 57 insure that:

58 a. The construction shall be designed to achieve necessary stability
 59 with an adequate margin of safety to protect the health and safety of
 60 the public and shall, at a minimum, be compatible with that of struc-
 61 tures constructed under Public Law 83-566 (Title 16, United States
 62 Code, section 1006).

63 b. Leachate will not pollute surface or ground water.

64 c. Mine wastes which are determined as unsuitable for construction
 65 constituents by sound engineering methods and design practices shall
 66 not be used in the construction of water impoundments, water reten-
 67 tion facilities, dams or settling ponds.

1 SEC. 3. Section eighty-three A point two (83A.2), subsection two (2),
 2 Code 1975, is amended to read as follows:

3 2. "Surface mining" means the mining of coal, gypsum, clay, stone,
 4 sand, gravel or other ores or mineral solids for sale or for processing or
 5 consumption in the regular operation of a business by removing the
 6 overburden lying above *the* natural deposits ~~thereof~~ and mining direct-
 7 ly from the natural deposits ~~thereby~~ exposed, or by mining directly
 8 from deposits lying exposed in their natural state. Removal of overbur-
 9 den and mining of limited amounts of any ores or mineral solids *other*
 10 *than coal* shall not be considered surface mining when done only for
 11 the purpose and to the extent necessary to determine the location,
 12 quantity, or quality of ~~any~~ *the* natural deposit, ~~so long as no~~ *if the*
 13 ores or mineral solids removed during exploratory excavation or min-
 14 ing are *not* sold, processed for sale, or consumed in the regular oper-
 15 ation of a business.

1 SEC. 4. Section eighty-three A point thirteen (83A.13), Code 1975,
 2 is amended to read as follows:

3 **83A.13 Registering site of mine.**

4 1. Within fifteen days after prior to beginning mining or removal of
5 overburden at any surface mining site not previously registered, an op-
6 erator engaging in mining in this state shall register the site with the
7 department. Application for registration shall be made upon a form
8 provided by the department. The registration fee shall be established
9 by the department in an amount equal to the cost of administering the
10 registration provisions of this chapter, as estimated by the department.
11 The application shall include a description of the tract or tracts of land
12 where the site is located and the estimated number of acres at the site
13 to be affected by the mine. The description shall include the section,
14 township, range, and county in which the land is located and shall oth-
15 erwise describe the land with sufficient certainty to determine the loca-
16 tion and to distinguish the land to be registered from other lands. The
17 application shall include a statement explaining the authority of the
18 applicant's legal right to operate a mine on the land.

19 2. The application shall be accompanied by a mine and rehabili-
20 tation plan which shall include the following:

21 a. The character and thickness of the ores, or mineral solids, and
22 overburden to be disturbed.

23 b. The method of redistribution of the overburden.

24 c. The final configuration of affected land.

25 d. Samples of overburden.

26 e. Data upon which the mine plan is based.

27 3. On the basis of information and data required to be submitted
28 pursuant to this section the department may designate the site for
29 which application for registration is made unsuitable for surface
30 coal mining if:

31 a. The department determines that land rehabilitation required
32 under this chapter is not physically or biologically feasible; or

33 b. The operation results in significant damage to important his-
34 toric, cultural, scientific, and esthetic values and natural systems;
35 or

36 c. The operation results in a substantial loss of or reduction in
37 long-range productivity of water supply or of food or fiber products;
38 or

39 d. The operation substantially endangers life and property, in-
40 cluding areas subject to frequent flooding and areas of unstable ge-
41 ology.

42 Land on which surface coal mining is authorized by the depart-
43 ment pursuant to this chapter on or before July 1, 1975 or where
44 substantial legal and financial commitments for the operation are
45 in existence prior to September 1, 1973 shall not be designated un-
46 suitable.

47 4. A person who falsifies information required to be submitted
48 under this section shall be guilty of a misdemeanor and upon con-
49 viction shall be punished by a fine not to exceed one hundred dol-
50 lars or by imprisonment for a period not to exceed thirty days or be
51 punished by both such fine and imprisonment.

1 SEC. 5. Section eighty-three A point fourteen (83A.14), Code 1975,
2 is amended to read as follows:

3 **83A.14 Bond.** The application for registration shall be accompa-
4 nied by a bond or security as required under sections 83A.23 or 83A.24
5 if overburden is removed. After ascertaining that the applicant is li-
6 censed under section 83A.7 and is not in violation of this chapter with
7 respect to any site previously registered with the department, the de-

8 department shall register the site and shall issue the applicant written au-
9 thorization to conduct surface mining on the site. *Nothing in this*
10 *section shall require land which has been mined or from which over-*
11 *burden has been removed before July 1, 1976 to meet the standards*
12 *in section two (2) of this Act. Authorization shall not be issued to*
13 *conduct surface coal mining in areas designated unsuitable pursu-*
14 *ant to section eighty-three A point thirteen (83A.13) of the Code.*

1 SEC. 6. Section eighty-three A point seventeen (83A.17), unnum-
2 bered paragraph two (2), Code 1975, is amended to read as follows:

3 A bond or security posted under this chapter to assure rehabilitation
4 of land affected by surface mining shall not be released until all reha-
5 bilitation work required by this section *and section two (2) of this Act*
6 has been performed to the department's satisfaction, except when a re-
7 placement bond or security is posted by a new operator under section
8 83A.16.

1 SEC. 7. Section eighty-three A point nineteen (83A.19), Code 1975,
2 is amended to read as follows:

3 **83A.19 Rehabilitation of land.** An operator of a surface mine
4 shall rehabilitate land affected by surface mining within ~~twenty-four~~
5 *twelve* months after the filing of a report required under section 83A.18
6 indicating the mining of any part of a site has been completed. Each
7 operator, upon completion of any rehabilitation work required by sec-
8 tion 83A.17 *and section two (2) of this Act*, shall apply to the depart-
9 ment in writing for approval of the work. The department shall within
10 a reasonable time determined by departmental rule inspect the com-
11 pleted rehabilitation work. Upon determination by the department
12 that the operator has satisfactorily completed all required rehabilita-
13 tion work on the land included in the application, the department
14 shall release the bond or security on the rehabilitated land, shall re-
15 move the land from registration, and shall terminate or amend as nec-
16 cessary the operator's authorization to conduct surface mining on the
17 site.

1 SEC. 8. Section eighty-three A point twenty-one (83A.21), Code
2 1975, is amended to read as follows:

3 **83A.21 Political subdivision engaged in mining.** Any political
4 subdivision of the state of Iowa which engages or intends to engage in
5 surface mining shall meet all requirements of sections 83A.13 to 83A.20
6 *and section two (2) of this Act* except the subdivision shall not be re-
7 quired to post bond or security on registered land. When a political
8 subdivision engaging in surface mining violates any provision of this
9 chapter or any rule adopted by the department pursuant to this chap-
10 ter, the department shall notify the chief administrative officer or gov-
11 erning body of the subdivision. If after a reasonable time determined
12 by the department, the subdivision has not commenced corrective mea-
13 sures approved by the department, the violation shall be referred to
14 the committee. The chief administrative officer or governing body of
15 the subdivision shall be notified in writing of the referral.

1 SEC. 9. Section eighty-three A point twenty-three (83A.23), Code
2 1975, is amended to read as follows:

3 **83A.23 Form of bond.** Each bond filed with the department by
4 an operator pursuant to this chapter shall be in a form prescribed by
5 the department, payable to the state of Iowa, and conditioned upon
6 faithful performance by the operator of all requirements of this chapter
7 and all rules adopted by the department pursuant to this chapter. The
8 bond shall be signed by the operator as principal and by a corporate

9 surety licensed to do business in Iowa as surety. In lieu of a bond, the
 10 operator may deposit cash or government securities with the depart-
 11 ment on the same conditions as prescribed by this section for filing of
 12 bonds. The amount of the bond or other security required to be filed
 13 with an application for registration of a surface mining site, or to in-
 14 crease the area of a site previously registered, shall be equal to the esti-
 15 mated cost of rehabilitating the site as required under section 83A.17
 16 and section two (2) of this Act. The estimated cost of rehabilitation
 17 of each individual site shall be determined by the department on the
 18 basis of relevant factors including, but not limited to, topography of
 19 the site, mining methods being employed, depth and composition of
 20 overburden, and depth of the mineral deposit being mined. The de-
 21 partment may require an applicant for registration or amendment of
 22 registration of a site to furnish information necessary to estimate the
 23 cost of rehabilitating the site. The penalty of the bond or the amount
 24 of cash or securities on deposit may be increased or reduced from time
 25 to time in accordance with section 83A.15.

1 SEC. 10. Section eighty-three A point twenty-eight (83A.28), Code
 2 1975, is amended to read as follows:

3 **83A.28 Forfeiture of bond.** The attorney general, upon request
 4 of the committee, shall institute proceedings for forfeiture of the bond
 5 posted by an operator to guarantee rehabilitation of a site where the
 6 operator is in violation of any of the provisions of this chapter or any
 7 rule adopted by the department pursuant to this chapter. Forfeiture of
 8 the operator's bond shall fully satisfy all obligations of the operator to
 9 rehabilitate affected land covered by the bond. The department shall
 10 have the power to rehabilitate as required by section 83A.17 and sec-
 11 tion two (2) of this Act any surface mined land with respect to which
 12 a bond has been forfeited, using the proceeds of the forfeiture to pay
 13 for the necessary rehabilitation work.

Approved May 15, 1975

CHAPTER 88

OCCUPATIONAL SAFETY AND HEALTH

S. F. 92

AN ACT to amend the occupational safety and health Act including the penalty provided by law.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty-eight point five (88.5), subsection four
 2 (4), Code 1975, is amended to read as follows:

3 4. Labels, warnings, protective equipment. Any standard promul-
 4 gated under this section shall prescribe the use of labels or other appro-
 5 priate forms of warning as are necessary to insure that employees are
 6 appraised of all hazards to which they are exposed, relevant symptoms
 7 and appropriate emergency treatment, and proper conditions and pre-
 8 cautions of safe use or exposure. Where appropriate, such standard
 9 shall also prescribe suitable protective equipment and control or tech-
 10 nological procedures to be used in connection with such hazards and
 11 shall provide for monitoring or measuring employee exposure at such