

207.2 Definitions.

As used in this chapter, unless context otherwise requires:

1. “*Administrator*” means the division administrator of the division of soil conservation or a designee.
2. “*Committee*” means the state soil conservation committee.
3. “*Division*” means the division of soil conservation within the department of agriculture and land stewardship.
4. “*Fund*” means the abandoned mine reclamation fund established pursuant to this chapter.
5. “*Imminent danger to the health and safety of the public*” means the existence of a condition or practice, or a violation of a permit or other requirement of this chapter in a coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before it can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose the person’s self to the danger during the time necessary for abatement.
6. “*Mine*” means an underground mine operation or surface mine operation developed and operated for the purpose of extracting coal.
7. “*Operator*” means a person engaged in coal mining who removes or intends to remove more than fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in one location.
8. “*Permit*” means a permit to conduct surface coal mining and reclamation operations issued by the division.
9. “*Permit area*” means the area of land indicated on the approved map submitted with the operator’s application.
10. “*Prime farmland*” has the same meaning as prescribed by the United States secretary of agriculture and published in the federal register on January 31, 1978.
11. “*Secretary*” means the United States secretary of the interior or a designee.
12. “*State program*” means the procedures for regulating coal mining and reclamation operations established by this chapter.
13. “*Surface coal mining and reclamation operations*” means surface coal mining operations and all activities necessary and incident to the reclamation of such operations after the effective date of this chapter.
14. “*Surface coal mining operations*” means both:
 - a. Activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground coal mine subject to the requirements of this chapter. However, these activities do not include the extraction of coal incidental to the extraction of other minerals if coal does not exceed sixteen and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale or include coal explorations subject to this chapter.
 - b. The areas upon which such activities occur or where such activities disturb the natural land surface.
15. “*Unwarranted failure to comply*” means the failure of an operator to prevent the occurrence of or abate a violation of a permit or a requirement of this chapter due to indifference, lack of diligence, or lack of reasonable care.

[C81, §83.2]

86 Acts, ch 1245, §601

C93, §207.2