

CHAPTER 60 MINERALS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

27—60.1 to 60.9 Reserved.

27—60.10(208) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation and water quality committee, in implementing the requirements of Iowa Code chapter 208 to ensure reclamation upon completion of mining operations for gypsum, clay, stone, sand, gravel, and other ores or mineral solids, except coal.

Information and forms can be obtained on the department's Web site or by contacting: Mines and Minerals Bureau, Division of Soil Conservation and Water Quality, Wallace State Office Building, Des Moines, Iowa 50319. Telephone: (515)242-5003 or (515)281-4246.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—60.11(208) Rules or subrules are severable. If any provision of a rule or subrule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or subrule which can be given effect without the invalid provision or application, and to this end the provisions of these rules or subrules are severable.

27—60.12(208) Definitions. When used in this chapter, the following definitions apply:

"Acceptable species" means plant species recognized as desirable permanent species and normally used in conjunction with agriculture, forestry, wildlife or similar plans for reclamation.

"Administrator" means the administrator of the division of soil conservation and water quality, or a designee.

"Affected land" means the area of land from which overburden has been removed or upon which overburden has been deposited, or land which has otherwise been disturbed, changed, influenced, or altered in any way in the course of mining, including processing and stockpile areas but not including roads.

"Angle of repose" means the maximum angle of slope (measured from horizontal) at which loose cohesion materials will come to rest on a pile of similar material.

"Committee" means the state soil conservation and water quality committee.

"Critical slope angle" means the maximum slope incline which the soil and rock materials underlying the slope can support, without failure, under existing climate, vegetation, and land use.

"Department" means the department of agriculture and land stewardship.

"Division" means the division of soil conservation and water quality within the department of agriculture and land stewardship.

"Dredge operation" means an operation to mine sand, gravel, or other nonfuel minerals for sale or for processing or consumption in the regular operation of a business by removing the product directly from its natural state beneath the surface of a river, lake or other body of water.

"Exploration" means the excavation of limited amounts of any mineral to determine the location, quantity, or quality of the mineral deposit.

"Highwall" means the unexcavated face of exposed overburden and mineral in a surface mine.

"Mine" or *"mine site"* means a site where mining is being conducted or has been conducted in the past.

"Mineral" means gypsum, clay, stone, sand, gravel, or other ores or mineral solids, except coal.

"Mining" means the excavation of gypsum, clay, stone, sand, gravel, or other ores or mineral solids, except coal, for sale or for processing or consumption in the regular operation of a business and shall include surface mining and underground mining.

1. *"Surface mining"* means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying

exposed in their natural state, and shall include dredge operations conducted in or on natural or artificially created waterways within the state.

2. “Underground mining” means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.

“*Mining operation*” means activities conducted by an operator on a mine site relative to the excavation of minerals and shall include disturbing overburden, excavation and processing of minerals, stockpiling and removal of minerals from a site, and all reclamation activities conducted on a mine site.

“*Official notice*” means service of a written notice or order to an operator via personal service or certified mail to the last-known address. Service shall not be deemed incomplete because of refusal to accept.

“*Operator*” means any person, firm, partnership, corporation, or political subdivision engaged in and controlling a mining operation.

“*Overburden*” means all of the earth and other materials which lie above natural mineral deposits and includes all earth and other materials disturbed from their natural state in the process of mining.

“*Pit floor*” or “*quarry floor*” means the lower limit of a surface excavation to extract minerals.

“*Political subdivision*” means any county, district, city, or other public agency within the state of Iowa.

“*Reclamation*” means the process of restoring disturbed lands to the premined uses of the lands or other productive uses.

“*Registered site*” means a site which meets the requirements of Iowa Code section 208.13 and for which the operator has received a valid registration certificate from the division.

“*Topsoil*” means the natural medium located at the surface of the land which contains favorable characteristics for the growth of vegetation.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—60.13 to 60.18 Reserved.

27—60.19(208) Subsidence.

60.19(1) Notification. An operator of a registered mine site shall notify the division within 48 hours of discovery of a subsidence. Upon notification to the division, the operator shall submit an initial assessment of the subsidence to the division within 14 business days. An initial assessment must include but is not limited to the estimated depth and width of the subsidence, a map of the surface area affected, and a map of the underground collapse.

60.19(2) Subsidence repair plans. Following an initial assessment, an operator shall submit a subsidence repair plan to the division within a time period determined by the division. In consultation with the division, the plan shall include, to the extent necessary, all of the following:

- a. A scaled and georeferenced map indicating the location of the subsidence.
- b. A detailed description of the proposed methods and steps to address and repair any damage caused by the subsidence.
- c. A proposed timeline outlining the phases and expected duration of the repair.
- d. Written approval of plans, observations, and completion of the repair by a licensed professional engineer or an experienced and qualified mining professional to the satisfaction of the division.

[ARC 0545D, IAB 9/2/26, effective 8/12/26]

27—60.20(208) License.

60.20(1) Application for mining license. All operators wanting to mine minerals in Iowa shall apply for a mining license. The application shall be complete only if submitted on the form supplied by the division, signed by the operator or an authorized representative, and accompanied by a license application fee.

60.20(2) Fees. Licensing and license renewal fees are established by Iowa Code section 208.7 at \$50 for an initial license and \$20 for a license renewal.

60.20(3) License term and expiration. A license shall be maintained by the operator until all sites have been properly reclaimed or transferred to another licensed operator.

The initial license shall expire on December 31 of the year in which the license was obtained. A license for renewal shall expire on December 31 of the second year in which the license was issued. Any applications for renewal received within 30 days of the expiration date shall be accepted as renewals for the previous license. New licenses obtained after November 1 shall remain valid for a period to include the next calendar year or years.

60.20(4) *License renewal.* Any operator who fails to renew the mining license within the 30-day period following the expiration deadline established in subrule 60.20(3) will be required to apply for an initial license. Failure to renew a license within 30 days after official notice will invalidate all registrations.

60.20(5) *Valid license.* A license to mine is valid only if approved by the division and acknowledged by a license certificate which has been signed by the administrator and lists the operator and the assigned license number.

[ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—60.21 to 60.29 Reserved.

27—60.30(208) Registration.

60.30(1) *Registration required.* All mine sites shall be registered at least seven days prior to the beginning of mining or the removal of overburden. Exploration activities are exempt from registration requirements unless they affect more than 10,000 square feet of surface area.

60.30(2) *Application fee.* The registration application fee shall be \$50 per site.

60.30(3) *Application for registration.* An application for registration shall be acceptable only if completed on the form provided by the division and signed by the operator or an authorized representative and accompanied by a bond or bond increase, a map of the area to be mined, and the registration fee. The completed registration application, registration fee, map, and the bond or bond increase shall be received at least seven days prior to the removal of overburden.

60.30(4) *Valid registration.* A registration is valid only if approved by the division and acknowledged by a registration certificate signed by the division administrator, listing site name, location, and operator to which the site is registered.

Failure to fulfill the requirements of this rule or chapter may result in the invalidation of a site registration following notification to the operator by the division.

The division may request additional information or materials to further distinguish a site from other sites.

A single registration shall consist of contiguous describable tracts of land which can be enclosed by a single unbroken boundary line and including only that property upon which the operator has a legal right to conduct mining.

60.30(5) *Registration conflicts.* If more than one operator is extracting minerals from a given contiguous site within the same time frame, then each operator shall file with the division a statement signed by the operator, including a map defining the scope of operations and bond responsibility of each operator in regard to the final reclamation of the site.

60.30(6) *Registration information.* It shall be the responsibility of the operator to ensure that all information in connection with the application for registration and the registration certificate is correct.

60.30(7) *Registration exclusion.* No site or portion thereof will be released by exclusion from registration under subrules 60.30(1) to 60.30(6).

60.30(8) *Sign.* Any signs required by other governmental bodies may be used to comply with Iowa Code section 208.9(2) provided that the sign is posted at the main entrance of the site or at the scale house, if the scale house is visible from the nearest roadway, and includes the operator's name, telephone number, and the site registration number.

60.30(9) *Duration of registration.* A valid registration shall be maintained by the operator until approval for release has been granted by the division.

27—60.31(208) Registration renewal and fee.

60.31(1) *Registration renewal.* All site registrations shall expire on December 31 of the second year. Registrations shall be renewed by the division upon submittal of renewal fee by the operator within 30 days of the expiration date.

60.31(2) *Notice of registration renewal and fee.* All registrations shall be renewed by the operator upon receipt of a fee statement from the division.

The registration renewal fee shall be \$70 per site.

60.31(3) *Changes in a registration.* If, in the course of operation, any changes in the description, size or boundaries of a site become necessary the licensee shall be required to file a new registration application in accordance with rule 27—60.30(208).

[ARC 3216C, IAB 7/19/17, effective 7/1/17]

27—60.32 to 60.39 Reserved.

27—60.40(208) Bonding. Bond is required by these rules and by Iowa Code chapter 208 to ensure that all applicable mineral operations are properly reclaimed. Failure on the part of an operator to accomplish required reclamation may result in forfeiture of the bond by the division.

60.40(1) *Bonding requirements.* Each registration application shall be accompanied by a bond or a bond endorsement increasing an already existing bond. The bond or bond increase shall be equal to the amount set forth by a representative of the division or, if no amount is stipulated, the minimum set forth in subrule 60.40(6).

60.40(2) *Bond form.* All surety bonds shall be written on the form provided and approved by the division. In lieu of a surety bond, the operator may deposit cash or certificates of deposit with the division on the same conditions as prescribed by Iowa Code section 208.23.

60.40(3) *Surety bond.* A surety bond shall be written by a company authorized to do business in Iowa and shall be made on a form provided by the division. A surety bond shall be signed by the operator or an authorized representative of the operator as well as a representative of the surety.

The surety bond shall be written to cover all acres affected by the mining process pursuant to Iowa Code chapter 208. An attachment shall be included as part of the bond document which lists the sites by name and location (county, township, range, section, and legal description). This attachment shall be signed by representatives of the surety and the principal.

60.40(4) *Certificates of deposit.* Certificates of deposit posted as bond shall be made payable to the State of Iowa, Division of Soil Conservation and Water Quality AND (Operator). All interest earned shall be paid to the operator.

60.40(5) *Cash.* Cash deposited as bond does not pay interest to the operator.

60.40(6) *Minimum bond.* The minimum required bond on each site shall be the greater of \$2,000 per site or \$500 per affected acre on the site.

Actual bond shall be based on factors including, but not limited to, size of the site, thickness of overburden, type of mineral extracted, type of mining process, and stockpiling procedures for topsoil, overburden and product.

60.40(7) *Interest-bearing account.* Penalties, interest, bond reversions and bond forfeitures collected under the provisions of Iowa Code chapter 208 or these rules shall be deposited in an interest-bearing account and may be used for the cost and administrative expense of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—60.41(208) Bond release.

60.41(1) *Release of bond.* No bond shall be released unless the bonded area has met reclamation requirements of Iowa Code section 208.17, a replacement bond has been filed, or the site has been registered by another licensed operator who agrees, in writing, to complete all remaining required reclamation and has a valid registration for the site(s) in question.

60.41(2) Bond release request. When a bond needs to be decreased, replaced, or is no longer needed, a Request for Bond Release form shall be filed by the operator, a registered agent, or an authorized representative. One Request for Bond Release form shall be filed for each bond.

60.41(3) Return of bond. Upon release of a certificate of deposit or cash posted as bond, the certificate of deposit or cash payment shall be returned to the operator.

Upon the release of a surety bond, the original bond shall be returned to the surety company and the operator shall be notified of the action by the mailing of a courtesy copy.

60.41(4) Reverting of cash bond. If the operator fails to request a release of cash bond after termination or expiration of a mining license, cash bond funds held shall revert to an interest-bearing account maintained by the division, provided a period of at least five years has elapsed since the license expiration. These funds may be used for the cost and administrative expenses of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

27—60.42 to 60.49 Reserved.

27—60.50(208) Transfers.

60.50(1) Registration transfer request. If control of a registered site is acquired by an operator other than the operator holding authorization to conduct surface mining on the site, then both operators shall fill out the required portions of a Transfer Application form. The completed form shall then be filed with the division within 30 days of the actual transfer and prior to the start of any work by the new operator.

60.50(2) Transfer information. In addition to the Transfer Application form, the new operator shall file a Registration Application form in accordance with rule 27—60.30(208). A Request for Bond Release may be filed by the original operator in accordance with rule 27—60.41(208).

60.50(3) Transfer action. No action shall be taken in relation to bond releases for the original operator or registration of the new operator regarding the site in question until the transfer request has been filed with the division and approved.

60.50(4) Other agreements. A transfer request does not prevent the new operator from making any agreement with the previous operator or any other party dealing with reclamation or mining of the site.

27—60.51 to 60.59 Reserved.

27—60.60(208) Registration cancellation.

60.60(1) Reclamation approval request. Upon completion of reclamation activities on a mine site or any part thereof, the operator may file a Reclamation Approval Request with the division. The form shall be completed and signed by the operator.

60.60(2) Inspection for approval. Upon receiving a request the division shall, within 12 months, visit the site in question and shall respond, in writing, to the operator indicating either the approval or disapproval of the site condition.

60.60(3) Approval denied. If the site condition is not approved, the division shall notify the operator, in writing, and explain the reason for the disapproval. The operator shall then complete the reclamation specified by the division and reapply for approval.

27—60.61 to 60.64 Reserved.

27—60.65(208) Enforcement actions.

60.65(1) Notice of violation. Notice to an operator of violations of these rules or Iowa Code chapter 208 shall include:

- a. A description of the violation, including a citation of the rule or statute violated,
- b. A description of the action required to abate the violation, and
- c. A deadline for abatement.

60.65(2) Issuance of administrative order. If an operation fails to complete abatement measures in the time allowed, the division may initiate an administrative order in accordance with these rules and Iowa Code chapter 208.

60.65(3) *Referral to attorney general.* Pursuant to Iowa Code section 208.10A, the division may also notify the attorney general in the event of noncompliance by the operator following notice. The attorney general shall institute a civil action in district court for injunctive relief and for the assessment of a civil penalty not to exceed \$10,000. The division may make such referral either in lieu of or in conjunction with the issuance of an administrative order.

27—60.66 to 60.69 Reserved.

27—60.70(208) Annual mining report.

60.70(1) *Annual reports—surface operations.* Annual reports shall be filed for each site on the form provided by the division. These reports may include, but shall not be limited to, information concerning the location of the mine site, types of material mined, thickness and types of overburden materials, area of land disturbed during the report year, area of land reclaimed during the report year, as well as any other pertinent information concerning the mining operation and deemed necessary by the division.

60.70(2) *Underground mine maps.* The state geologist shall provide the division with copies of each map and map extension received pursuant to Iowa Code section 456.11.

60.70(3) *Filing date.* Reports shall be filed by January 31 for the previous year. Reports not received within 30 days after the specified date shall invalidate the registration of a site.

60.70(4) *Final report.* Upon conclusion of mining at any site the operator shall file a mining report indicating that all mining activity is completed. This report shall be filed regardless of any other reports filed in connection with subrule 60.70(3).

[ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—60.71 to 60.74 Reserved.

27—60.75(208) General mining activities.

60.75(1) *Topsoil and overburden stockpiles.* Topsoil shall not be buried or mixed with nontopsoil materials. All stockpiles (topsoil and overburden) shall be seeded and stabilized if they are to remain in place for a period of time in excess of 12 months.

60.75(2) *Erosion control.* Affected areas which will not be disturbed by future operations shall be graded, disked, mulched, fertilized, and seeded as necessary within a period of nine months to attain substantial and appropriate grass, legume, shrub, tree, crop, or other acceptable species and to ensure viable erosion control.

60.75(3) *Setback.*

a. A minimum excavation setback distance of 25 feet shall be maintained from all registered site boundaries to protect the adjacent property from erosion or damage which might result from mining activities.

b. In areas where excavation depth exceeds 25 feet, a minimum excavation setback distance of at least 50 feet shall be maintained from registered site boundaries.

c. A minimum excavation setback distance of 50 feet shall be maintained from all buildings, dwellings, public right-of-way boundaries and other man-made structures not associated with the mining operation.

d. Excavation on a registered site found to be closer than the allowable minimum setback shall be in violation of this subrule. The operator shall be required to backfill, slope and stabilize to the required limits.

e. The requirements of this subrule shall not apply to registered operations where mining has exceeded the setback limitation as of January 1, 1991, provided that the operator has filed adequate documentation as of July 1, 1991, detailing the area being grandfathered into these requirements.

The operator shall be responsible for maintaining a permanent record of all documentation once approved by the division.

f. The division may grant a variance from this subrule, provided the operator submits a complete application that meets the requirements of rule 27—60.85(208) at least 60 days prior to the proposed starting date of any mining within the setback limitations.

27—60.76 to 60.79 Reserved.

27—60.80(208) Reclamation.

60.80(1) *Schedule.* The operator, upon filing a mine report indicating the conclusion of all mining activities, will have a period of three years to complete all reclamation activities.

60.80(2) *Requirements.* The operator shall grade all remaining affected lands, except stockpiles, processing areas, pit floors, and highwalls, to allowable slopes within six months following the filing of the final report. Stockpiles and processing areas shall be graded or the material exported from the site within one year following the final report.

60.80(3) *Extension of time.* The operator shall be allowed a three-month extension of time on subrule 60.80(2) provided a written request is filed at least 30 days (or 20 working days) prior to the original deadline. Only one extension will be allowed the operator per release request.

60.80(4) *Grading.* All lands affected by the mining process, with the exception of pit floors, highwalls and water impoundments, shall be graded to slopes having a maximum one-foot vertical rise for every four feet horizontal distance or graded to blend with the surrounding terrain.

60.80(5) *Waste disposal.* In grading the site all mining-related waste products and machinery incompatible with the care and growth of vegetation shall be removed from the site and disposed of in a manner consistent and acceptable with state law. Materials acceptable for on-site disposal, such as concrete and clay products free of reinforcing shall be buried a minimum of three feet below final grade.

Boulders and stones incompatible with the proposed postmining use of the site shall be buried or removed from the site.

60.80(6) *Vegetation.* Seeding of an area with grasses and legumes shall be accomplished within three months following the conclusion of all earthwork, weather permitting. Erosion control methods shall be used where necessary to prevent rill and gully formation. The operator shall be responsible for attaining a ground cover of acceptable species of grass, legume, shrub, tree or crop.

The vegetation shall be allowed at least one growing season to become established prior to the filing of a release request by the operator.

If necessary, additional seedings shall be performed to establish a viable vegetative cover.

60.80(7) *Failure to comply.* Failure to adhere to the reclamation schedule may be grounds for an administrative order, revocation of the operator's license to mine, or initiation of bond forfeiture proceedings.

60.80(8) *Variance.* The division may grant a variance from rule 27—60.80(208) provided the operator submits a complete application that meets the requirements of rule 27—60.85(208). Examples of variances would include wetland areas, building sites, or use of overburden materials for protective berms and screens.

27—60.81 to 60.84 Reserved.

27—60.85(208) Criteria for variance application and approval.

60.85(1) *Application for variance.* A complete application for a variance must include:

a. Site name, registration number, and location by county, township, range, section and quarter section.

b. A copy of an aerial photograph or a topographic map of the site on an 8½- × 11-inch page, in a scale not less than 1 to 24,000 (2½" to the mile), showing the areas to be affected by the proposed encroachment.

c. A reclamation plan which will address the final grading and revegetation for the area in question and a statement as to the postmining land use.

d. Name, address, and telephone number for current owner or owners of property adjacent to the area for which the variance is being requested.

e. Estimated time period when the mineral extraction will occur.

f. A brief narrative stating why the variance is being sought and how adverse effects of mining will be mitigated.

g. Other information requested by the division as needed for clarification.

h. Additional bond, if determined to be necessary by the division.

60.85(2) *Criteria for approval of a variance.* A variance filed with the division shall be approved or disapproved within 30 days of receiving a completed application for a variance.

In either approving or disapproving the variance request, the division will consider the reclamation plan, the postmining land use, the effects on the adjacent properties, the extent to which reclamation requirements are being met, and other relevant factors.

27—60.86 to 60.89 Reserved.

27—60.90(208) Administrative orders and assessment of penalties. The division may issue an administrative order directing an operator to desist in an activity or practice which constitutes a violation of these rules or to take corrective action to abate the violation.

60.90(1) *Issuance of administrative order.* Any administrative order issued by the division shall be signed by the division administrator and shall include:

a. A description of the violation or violations being addressed, including a citation to each rule or provision being violated, a summary of the facts and legal requirements, and a general rationale for the prescribed penalty.

b. A description of corrective measures or actions required to abate the violation or violations.

c. A time period for commencing and completing corrective actions called for in the administrative order.

d. A proposed penalty assessment.

e. The time allowed for filing an appeal to contest the order.

60.90(2) *Assessment of penalty.* An administrative order issued by the division shall include a proposed penalty assessment for the violation or violations being cited. The proposed penalty called for in the order shall not exceed \$5,000 for each violation.

a. A point system will be used in assessing each violation. Criteria for assigning points shall be as follows:

(1) For history, up to 20 points may be assigned based on the history of previous violations.

(2) For seriousness,

1. Up to 20 points may be assigned based on the seriousness of the violation in terms of its potential or actual damage, or

2. Up to 15 points may be assigned for a violation of the administrative requirements of these rules. Administrative requirements would include items such as license and registration, payment of fees, posting of signs, and submittal of reports.

(3) For negligence, up to 10 points may be assigned on the basis of negligence on the part of the operator to whom the order is issued for failing to correct the cause of the violation. Up to 25 points may be assigned for a violation that occurs through a greater degree of fault than negligence, which means reckless, knowing, or intentional conduct. The division may also consider the degree to which the operator gained an economic benefit as a result of failing to comply with these regulations.

A reduction of the assigned points by up to 20 points may be allowed for good-faith efforts by the operator to achieve better than normal compliance.

b. The dollar value for points assigned shall be \$20 for each point from 1 to 25 and \$100 for each point thereafter to a maximum of 70 points. An abridged table summarizing dollar values for point assessments is as follows:

Points	\$		Points	\$
5	100		40	2,000
10	200		45	2,500
15	300		50	3,000
20	400		55	3,500
25	500		60	4,000
30	1,000		70 and above	5,000
35	1,500			

c. When a penalty will be assessed.

(1) The division may assess a penalty for a proposed order that becomes a final order when 30 or fewer points are assigned to the administrative order.

(2) The division shall assess a penalty for a proposed assessment that becomes a final order when 31 or more points are assigned to the administrative order.

d. A proposed assessment worksheet shall accompany each administrative order issued by the division.

60.90(3) *Waiver of point system.* Upon the division administrator's own initiative or upon written request from an operator within 15 days of receipt of an administrative order, the division may waive the use of the point system as a means of determining a proposed penalty. In so doing, the administrator must determine that the penalty is demonstrably unjust based upon factors present in the particular case.

When the division has waived the use of the point system in determining a penalty, the division administrator shall document the basis for the waiver in the case record and shall also provide a written explanation of the basis for the assessment made to the operator to whom the administrative order was issued.

60.90(4) *Submittal of information.* Within 15 days of receipt of an administrative order, an operator may provide the division information about the violation or violations addressed in the order. The division will consider any such information in determining the facts of the violation or violations and the amount of the final penalty.

60.90(5) *Final assessment and payment of penalty.*

a. Unless an appeal contesting the administrative order has been received, the proposed assessment shall become a final order within 30 days following service of the administrative order and the penalty assessed shall become due and payable. If the administrative order is appealed, the proposed assessment shall become a final order and the penalty assessed due and payable within 30 days following service of a final decision on the appeal.

b. All penalties shall be paid within 30 days of the date that the order assessing the penalty becomes final. An operator who fails to pay an administrative penalty assessed by a final order of the division shall pay, in addition, interest at the rate of 1½ percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid.

(1) Failure to pay all penalties within 30 days of the date that the order assessing the penalty becomes final shall constitute a violation of these rules.

(2) The division may request the attorney general to institute proceedings to recover all penalties assessed in the event of failure of the operator to make payment.

60.90(6) *Deposit of penalty moneys.* Penalties collected under the provisions of these rules shall be deposited in an interest-bearing account and may be used for the cost and administrative expenses of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

27—60.91 to 60.94 Reserved.

27—60.95(208) Forms.

Annual Mine Report. This two-sided, one-page form requires identification of the operator and legal description of the mine site. This form requests a listing of the number of acres affected during the report year, the number of acres reclaimed, the number of acres estimated to be affected in the coming year and the number of acres presently bonded.

Assignment Form. This one-page form will be used by the operator to assign a certificate of deposit (CD) to the division when the CD is used in lieu of a surety bond or by the division to assign a CD to the operator, when the division is releasing a CD to the operator.

Bonding Form. This one-page form identifies the operator and the bonding company, lists the amount of the bond, the operator's license number, the bond number, the enforcement date, the surety's mailing address and provides for notarization of the signature for the surety.

Interest Release Form. This one-page form is used by the division to authorize banking authorities to release interest accumulated on a certificate of deposit, held in lieu of bond, to the operator.

License Application. This one-page form is used for both new applications and annual license renewals. This form serves to identify the person, firm, partnership or corporation applying for or renewing the license to mine minerals.

License Certificate. This one-page form is issued by the division upon successful application by the person, firm, partnership or corporation for a mining license.

Reclamation Approval Request. This one-page form identifies the operator and the name and location of the site. This form also requires operator certification that all reclamation work has been completed as set forth in Iowa Code sections 208.17 and 208.19 and rule 27—60.80(208) of the Iowa Administrative Code.

Registration Application. This one-page form is used by the applicant desiring to engage in surface mining. This form includes the name of the licensee, the site name and location, the material produced, the source of the operator's legal right to mine the described area and the owner(s) of the mineral rights and the land to be surface mined.

Registration Certificate. This one-page form is issued by the division upon successful application by an operator for site registration or updated registration.

Request for Bond Release. This one-page form identifies the operator and the bonding company, lists the amount of bond and the bond number, states the reason for the release request, and provides for an approval signature by the division.

Transfer Application. This one-page form identifies the transferee and the transferor and their respective surety companies, lists the site and site location, and provides a prewritten agreement for transfer of all bonding and site reclamation responsibilities to the transferee.

27—60.96 to 60.99 Reserved.

27—60.100(208) Political subdivisions engaged in mining. Any political subdivision of the state of Iowa which engages in or intends to engage in operating a mine as defined under rule 27—60.12(208) shall meet all requirements of this chapter except that the subdivision shall not be required to pay the license fee under rule 27—60.20(208) and shall not be required to post bonds as required under rule 27—60.40(208). An official representative of the political subdivision shall complete a license application form for informational purposes only.

These rules are intended to implement Iowa Code chapter 208.

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