

Energy 4/8, Pass 4/9

FILED MAR 13 1975

SENATE FILE 314

By COMMITTEE ON ENERGY

Passed Senate, Date 4-3-75 (818) Passed House, Date 4-29-75 (1404)

Vote: Ayes 46 Nays 2 Vote: Ayes 91 Nays 3

Approved 5-15-75

Repassed Senate as amended by House

5-12-75 (1350)

43-0

A BILL FOR

1 An Act relating to the regulation of surface coal mining, imposing
2 additional fees and providing a penalty for violation of the
3 Act.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter eighty-three A (83A), Code 1975, is
2 amended by adding sections two (2) through four (4) of this
3 Act:

4 Sec. 2. NEW SECTION. ENVIRONMENTAL STANDARDS. A surface
5 coal mining operation for which application for registration
6 is made on and after July 1, 1975 shall comply with the
7 following environmental standards:

8 1. Spoil, debris, soil, waste materials, or abandoned
9 or disabled mine equipment shall not be placed on the natural
10 or other downslope below the bench or cut created to expose
11 the coal seam except that spoil from the initial block or
12 short linear cut necessary to obtain access to the coal seam
13 may be temporarily placed on a limited or specified area of
14 the downslope if the spoil is shaped and graded to prevent
15 slides, erosion, and water pollution, and is revegetated in
16 accordance with the provisions of this chapter.

17 2. A diverse, effective and permanent vegetative cover
18 capable of self-regeneration and plant succession at least
19 equal in extent of cover to the natural vegetation shall be
20 established on all affected land. Plant succession includes
21 crop succession if the land had the capability of the crop
22 succession before registration of a site. Introduced species
23 may be used in the revegetation process where necessary to
24 achieve the rehabilitation work required by the department
25 under this chapter.

26 3. Topsoil shall be removed in a separate layer and
27 replaced on the backfill area, or if not utilized immediately,
28 segregated in a separate pile from other spoil. For purposes
29 of this chapter "topsoil" means a nontoxic soil substrate
30 capable of sustaining vegetation as required in this section.
31 This soil substrate may consist of the A, B, and C soil
32 horizons, a strata beneath these soil horizons, or a mixture
33 of the two. When the topsoil is not replaced in time to avoid
34 deterioration of the topsoil, a cover by approved quick-growing
35 plant species shall be maintained to preserve the topsoil

1 from wind and water erosion, to free it from contamination
2 by acid or toxic material from other strata or drainage, and
3 to assure that the topsoil is in a usable condition for
4 vegetation purposes under subsection two (2) of this section.
5 If the topsoil is of insufficient quantity or of poor quality
6 for sustaining vegetation, or if other strata can be shown
7 to be more suitable for vegetation requirements, the operator
8 shall remove, segregate, preserve, and replace in a like
9 manner the other strata which is best able to support
10 vegetation. If the department approves, the operator shall
11 not be required to separate the topsoil and other strata of
12 subsoil if a mix of the topsoil, subsoil and soil nutrient
13 is equally suitable for vegetation requirements. The operator
14 shall remove, segregate, and replace the mix of topsoil and
15 other strata in a manner prescribed by the department.

16 4. All coal mine wastes, coal processing wastes, acid
17 forming or other toxic materials present in the overburden,
18 or other wastes shall be buried in approved pits and the
19 operator shall stabilize all waste piles in designated areas
20 through construction and compacted layers with incombustible
21 and impervious materials assuring that the leachate will not
22 pollute surface or ground waters and that the final contour
23 of the waste pile will be compatible with natural surroundings
24 and stabilized and revegetated according to the provisions
25 of this chapter.

26 5. With respect to the use of impoundments for the dis-
27 posal of coal mine wastes, coal processing wastes or other
28 liquid or solid wastes, the operator shall incorporate the
29 latest available engineering practices for the design and
30 construction of water retention facilities to insure that:

31 a. The construction shall be designed to achieve necessary
32 stability with an adequate margin of safety to protect the
33 health and safety of the public and shall, at a minimum, be
34 compatible with that of structures constructed under Public
35 Law 83-566 (Title 16, United States Code, section 1006).

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

2 c. Mine wastes which are determined as unsuitable for
3 construction constituents by sound engineering methods and
4 design practices shall not be used in the construction of
5 water impoundments, water retention facilities, dams or
6 settling ponds.

7 On and after December 31, 1975 all surface coal mining
8 operations on land on which the operations are regulated by
9 the state which are existing on July 1, 1975 shall comply
10 with the standards in this section with respect to lands from
11 which the overburden has not been removed.

12 Sec. 3. NEW SECTION. SPECIAL RECLAMATION FUND. There
13 is established a special land reclamation fund. The fund
14 shall be used for purchase, reclamation, rehabilitation, and
15 research relating to lands affected by surface coal mining
16 which are unreclaimed and for which bond either was not
17 required to be posted or is not collectible, including but
18 not limited to abandoned land which has been surface mined
19 for coal. The department may rehabilitate, as required by
20 section eighty-three A point seventeen (83A.17) of the Code
21 and section two (2) of this Act any unreclaimed land for which
22 the fund in this section shall be used. The department shall
23 make an annual report to the governor and to the general
24 assembly setting forth the number of acres reclaimed and
25 rehabilitated through the use of the fund.

26 Sec. 4. NEW SECTION. ADDITIONAL FEES. In addition to
27 the fees collected pursuant to sections eighty-three A point
28 seven (83A.7) and eighty-three A point thirteen (83A.13) of
29 the Code the department shall, upon receipt of an application
30 for registration, compute a fee based on the number of acres
31 to be affected under the registration by surface coal mining.
32 All fees collected under this section shall be deposited in
33 the special land reclamation fund established pursuant to
34 section three (3) of this Act.

35 Sec. 5. Section eighty-three A point two (83A.2),

1 subsection two (2), Code 1975, is amended to read as follows:

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

17 Sec. 6. Section eighty-three A point thirteen (83A.13),
18 Code 1975, is amended to read as follows:

19 83A.13 REGISTERING SITE OF MINE.

20 1. Within fifteen days after beginning mining or removal
21 of overburden at any surface mining site not previously
22 registered, an operator engaging in mining in this state shall
23 register the site with the department. Application for
24 registration shall be made upon a form provided by the depart-
25 ment. The registration fee shall be established by the depart-
26 ment in an amount equal to the cost of administering the
27 registration provisions of this chapter, as estimated by the
28 department. The application shall include a description of
29 the tract or tracts of land where the site is located and
30 the estimated number of acres at the site to be affected by
31 the mine. The description shall include the section, township,
32 range, and county in which the land is located and shall
33 otherwise describe the land with sufficient certainty to
34 determine the location and to distinguish the land to be
35 registered from other lands. The application shall include

1 a statement explaining the authority of the applicant's legal
2 right to operate a mine on the land.

3 2. The application shall be accompanied by a mine and
4 rehabilitation plan which shall include the following:

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

7 b. The method of redistribution of the overburden.

8 c. The final configuration of affected land.

9 d. Samples of overburden.

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

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

15 a. The department determines that land rehabilitation
16 required under this chapter is not physically or biologically
17 feasible; or

18 b. The operation results in significant damage to impor-
19 tant historic, cultural, scientific, and esthetic values and
20 natural systems; or

21 c. The operation results in a substantial loss of or
22 reduction in long-range productivity of water supply or of
23 food or fiber products; or

24 d. The operation substantially endangers life and property,
25 including areas subject to frequent flooding and areas of
26 unstable geology.

27 Land on which surface coal mining is authorized by the
28 department pursuant to this chapter on or before July 1, 1975
29 or where substantial legal and financial commitments for the
30 operation are in existence prior to September 1, 1973 shall
31 not be designated unsuitable.

32 4. A person who falsifies information required to be
33 submitted under this section shall be guilty of a misdemeanor
34 and upon conviction shall be punished by a fine not to exceed
35 one hundred dollars or by imprisonment for a period not to

1 exceed thirty days or be punished by both such fine and
2 imprisonment.

3 Sec. 7. Section eighty-three A point fourteen (83A.14),
4 Code 1975, is amended to read as follows:

5 83A.14 BOND. The application for registration shall be
6 accompanied by a bond or security as required under sections
7 83A.23 or 83A.24 if overburden is removed. After ascertaining
8 that the applicant is licensed under section 83A.7 and is
9 not in violation of this chapter with respect to any site
10 previously registered with the department, the department
11 shall register the site and shall issue the applicant written
12 authorization to conduct surface mining on the site.
13 Authorization shall not be issued to conduct surface coal
14 mining in areas designated unsuitable pursuant to section
15 eighty-three A point thirteen (83A.13) of the Code.

16 Sec. 8. Section eighty-three A point seventeen (83A.17),
17 unnumbered paragraph two (2), Code 1975, is amended to read
18 as follows:

19 A bond or security posted under this chapter to assure
20 rehabilitation of land affected by surface mining shall not
21 be released until all rehabilitation work required by this
22 section and section two (2) of this Act has been performed
23 to the department's satisfaction, except when a replacement
24 bond or security is posted by a new operator under section
25 83A.16.

26 Sec. 9. Section eighty-three A point nineteen (83A.19),
27 Code 1975, is amended to read as follows:

28 83A.19 REHABILITATION OF LAND. An operator of a surface
29 mine shall rehabilitate land affected by surface mining within
30 ~~twenty-four~~ twelve months after the filing of a report required
31 under section 83A.18 indicating the mining of any part of
32 a site has been completed. Each operator, upon completion
33 of any rehabilitation work required by section 83A.17 and
34 section two (2) of this Act, shall apply to the department
35 in writing for approval of the work. The department shall

1 within a reasonable time determined by departmental rule
2 inspect the completed rehabilitation work. Upon determination
3 by the department that the operator has satisfactorily
4 completed all required rehabilitation work on the land included
5 in the application, the department shall release the bond
6 or security on the rehabilitated land, shall remove the land
7 from registration, and shall terminate or amend as necessary
8 the operator's authorization to conduct surface mining on
9 the site.

10 Sec. 10. Section eighty-three A point twenty-one (83A.21),
11 Code 1975, is amended to read as follows:

12 83A.21 POLITICAL SUBDIVISION ENGAGED IN MINING. Any
13 political subdivision of the state of Iowa which engages or
14 intends to engage in surface mining shall meet all requirements
15 of sections 83A.13 to 83A.20 and section two (2) of this
16 Act except the subdivision shall not be required to post bond
17 or security on registered land. When a political subdivision
18 engaging in surface mining violates any provision of this
19 chapter or any rule adopted by the department pursuant to
20 this chapter, the department shall notify the chief
21 administrative officer or governing body of the subdivision.
22 If after a reasonable time determined by the department, the
23 subdivision has not commenced corrective measures approved
24 by the department, the violation shall be referred to the
25 committee. The chief administrative officer or governing
26 body of the subdivision shall be notified in writing of the
27 referral.

28 Sec. 11. Section eighty-three A point twenty-three
29 (83A.23), Code 1975, is amended to read as follows:

30 83A.23 FORM OF BOND. Each bond filed with the department
31 by an operator pursuant to this chapter shall be in a form
32 prescribed by the department, payable to the state of Iowa,
33 and conditioned upon faithful performance by the operator
34 of all requirements of this chapter and all rules adopted
35 by the department pursuant to this chapter. The bond shall

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

22 Sec. 12. Section eighty-three A point twenty-eight
23 (83A.28), Code 1975, is amended to read as follows:

24 83A.28 FORFEITURE OF BOND. The attorney general, upon
25 request of the committee, shall institute proceedings for
26 forfeiture of the bond posted by an operator to guarantee
27 rehabilitation of a site where the operator is in violation
28 of any of the provisions of this chapter or any rule adopted
29 by the department pursuant to this chapter. Forfeiture of
30 the operator's bond shall fully satisfy all obligations of
31 the operator to rehabilitate affected land covered by the
32 bond. The department shall have the power to rehabilitate
33 as required by section 83A.17 and section two (2) of this
34 Act any surface mined land with respect to which a bond has
35 been forfeited, using the proceeds of the forfeiture to pay

1 for the necessary rehabilitation work.

2 EXPLANATION

3 This bill incorporates into the existing surface mining
4 law provisions regulating the disposal of coal wastes and
5 the revegetation of land affected by surface coal mining.
6 The provisions are taken from Title II of the federal Surface
7 Mining Control and Reclamation Act of 1974 which was vetoed
8 by President Ford. The bill also provides for designation
9 by the Department of Soil Conservation of lands unsuitable
10 for the surface mining of coal at the time of registration
11 of a site and establishes a special land reclamation fund
12 to consist of fees, based on the number of acres of land under
13 registration to be affected. The fund is to be used for the
14 rehabilitation of unreclaimed land affected by surface coal
15 mining.

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LSB 260
jd/rh/31

S-3409

- 1 Amend Senate File 314 as follows:
- 2 1. Page 3, by striking lines 12 through 34,
- 3 inclusive.
- 4 2. Page 4, line 20, by striking the word
- 5 "after" and inserting in lieu thereof the
- 6 following: "after prior to".

S-3409 FILED - *Adopted as amended by 3424 4/3 (818)* BY JAMES V. GALLAGHER
MARCH 31, 1975

S-3424

- 1 Amend the Gallagher amendment S-3409 to Senate
- 2 File 314 by inserting after line 6 the following:
- 3 "3. By renumbering the sections in accordance
- 4 with this amendment."

S-3424 FILED - *Adopted 4/3 (818)* BY JAMES V. GALLAGHER
APRIL 1, 1975

H-3577

- 1 Amend Senate File 314, as passed by the Senate,
- 2 page 1, by striking lines 8 through 16 and inserting
- 3 in lieu thereof the following:
- 4 "1. Spoil, debris, soil, and waste materials
- 5 from the cut made to obtain access to the coal seam
- 6 shall be placed according to a plan approved by the
- 7 department."

H-3577 FILED - *Adopted 4/29 (1403)*
APRIL 16, 1975

BY VARLEY of Adair
• FULLERTON of Woodbury
READINGER of Polk

H-3579

1 Amend Senate File 314, as passed by the Senate,
2 as follows:

3 1. Page 1, line 6, by striking the figure "1975"
4 and inserting in lieu thereof the following: "1976 and,
5 with respect to lands from which the overburden has
6 not been removed, any coal mining operation existing
7 on July 1, 1976".

8 2. Page 1, line 25, by inserting after the period
9 the sentences "If the effectiveness of the revegeta-
10 tion requirements of this subsection cannot be deter-
11 mined by the department before the expiration of the
12 twelve-month period allowed for rehabilitation pur-
13 suant to section eighty-three A point nineteen
14 (83A.19) of the Code, the department shall extend
15 the time for rehabilitation as necessary to meet the
16 requirements of this subsection. The department
17 may retain a portion of the bond or other security
18 under this chapter as necessary to assure performance
19 of the requirements of this subsection."

20 3. Page 2, line 6, by striking the word ", or"
21 and inserting in lieu thereof the word "and".

22 4. Page 2, line 28, by striking the second word
23 "the".

24 5. Page 2, line 29, by striking the words "latest
25 available engineering practices" and inserting in lieu
26 thereof the words "engineering practices approved by
27 the department".

28 6. Page 3, by striking lines 7 through 11.

29 7. Page 6, line 12, by inserting after the period
30 the sentence "Nothing in this section shall require
31 land which has been mined or from which overburden
32 has been removed before July 1, 1976 to meet the
33 standards in section two (2) of this Act."

H-3579 FILED - *Adopted 4/29(1403)*
APRIL 16, 1975

BY COMMITTEE ON ENERGY
O'HALLORAN of Black Hawk.
Chairman

HOUSE AMENDMENT TO SENATE FILE 314

S-3718

1 Amend Senate File 314, as passed by the Senate,
2 as follows:

3 1. Page 1, line 6, by striking the figure "1975"
4 and inserting in lieu thereof the following: "1976
5 and, with respect to lands from which the overburden
6 has not been removed, any coal mining operation
7 existing on July 1, 1976".

8 2. Page 1, by striking lines 8 through 16 and
9 inserting in lieu thereof the following:

10 "1. Spoil, debris, soil, and waste materials
11 from the cut made to obtain access to the coal seam
12 shall be placed according to a plan approved by the
13 department."

14 3. Page 1, line 25, by inserting after the period
15 the sentences "If the effectiveness of the revegeta-
16 tion requirements of this subsection cannot be deter-
17 mined by the department before the expiration of the
18 twelve-month period allowed for rehabilitation pur-
19 suant to section eighty-three A point nineteen
20 (83A.19) of the Code, the department shall extend
21 the time for rehabilitation as necessary to meet the
22 requirements of this subsection. The department may
23 retain a portion of the bond or other security under
24 this chapter as necessary to assure performance of
25 the requirements of this subsection."

26 4. Page 2, line 6, by striking the word ", or"
27 and inserting in lieu thereof the word "and".

28 5. Page 2, line 28, by striking the second word
29 "the".

30 6. Page 2, line 29, by striking the words "latest
31 available engineering practices" and inserting in lieu
32 thereof the words "engineering practices approved by
33 the department".

34 7. Page 3, by striking lines 7 through 11.

35 8. Page 6, line 12, by inserting after the period
36 the sentence "Nothing in this section shall require
37 land which has been mined or from which overburden
38 has been removed before July 1, 1976 to meet the
39 standards in section two (2) of this Act."

S-3718 FILED
MAY 6, 1975

RECEIVED FROM THE HOUSE

Senate concurred 5/12 (1349)

SENATE FILE 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:

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

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

1. Spoil, debris, soil, and waste materials from the cut made to obtain access to the coal seam shall be placed according to a plan approved by the department.

2. A diverse, effective and permanent vegetative cover capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation shall be established on all affected land. Plant succession includes crop succession if the land had the capability of the crop succession before registration of a site. Introduced species may be used in the revegetation process where necessary to achieve the rehabilitation work required by the department under this chapter. If the effectiveness of the revegetation requirements of this subsection cannot be determined by the department before the expiration of the twelve-month period allowed for rehabilitation pursuant to section eighty-three

A point nineteen (83A.19) of the Code, the department shall extend the time for rehabilitation as necessary to meet the requirements of this subsection. The department may retain a portion of the bond or other security under this chapter as necessary to assure performance of the requirements of this subsection.

3. Topsoil shall be removed in a separate layer and replaced on the backfill area, or if not utilized immediately, segregated in a separate pile from other spoil. For purposes of this chapter "topsoil" means a nontoxic soil substrate capable of sustaining vegetation as required in this section. This soil substrate may consist of the A, B, and C soil horizons, a strata beneath these soil horizons, or a mixture of the two. When the topsoil is not replaced in time to avoid deterioration of the topsoil, a cover by approved quick-growing plant species shall be maintained to preserve the topsoil from wind and water erosion, to free it from contamination by acid or toxic material from other strata or drainage, and to assure that the topsoil is in a usable condition for vegetation purposes under subsection two (2) of this section. If the topsoil is of insufficient quantity or of poor quality for sustaining vegetation and if other strata can be shown to be more suitable for vegetation requirements, the operator shall remove, segregate, preserve, and replace in a like manner the other strata which is best able to support vegetation. If the department approves, the operator shall not be required to separate the topsoil and other strata of subsoil if a mix of the topsoil, subsoil and soil nutrient is equally suitable for vegetation requirements. The operator shall remove, segregate, and replace the mix of topsoil and other strata in a manner prescribed by the department.

4. All coal mine wastes, coal processing wastes, acid forming or other toxic materials present in the overburden,

or other wastes shall be buried in approved pits and the operator shall stabilize all waste piles in designated areas through construction and compacted layers with incombustible and impervious materials assuring that the leachate will not pollute surface or ground waters and that the final contour of the waste pile will be compatible with natural surroundings and stabilized and revegetated according to the provisions of this chapter.

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

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

b. Leachate will not pollute surface or ground water.

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

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

2. "Surface mining" means the mining of coal, gypsum, clay, stone, sand, gravel or other ores or mineral solids for sale or for processing or consumption in the regular operation of a business by removing the overburden lying above the natural deposits ~~thereof~~ and mining directly from the natural deposits ~~thereby~~ exposed, or by mining directly from

deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids other than coal shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any the natural deposit, ~~se-ieng-as-ne~~ if the ores or mineral solids removed during exploratory excavation or mining are not sold, processed for sale, or consumed in the regular operation of a business.

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

83A.13 REGISTERING SITE OF MINE.

1. Within fifteen days after prior to beginning mining or removal of overburden at any surface mining site not previously registered, an operator engaging in mining in this state shall register the site with the department. Application for registration shall be made upon a form provided by the department. The registration fee shall be established by the department in an amount equal to the cost of administering the registration provisions of this chapter, as estimated by the department. The application shall include a description of the tract or tracts of land where the site is located and the estimated number of acres at the site to be affected by the mine. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient certainty to determine the location and to distinguish the land to be registered from other lands. The application shall include a statement explaining the authority of the applicant's legal right to operate a mine on the land.

2. The application shall be accompanied by a mine and rehabilitation plan which shall include the following:

a. The character and thickness of the ores, or mineral

solids, and overburden to be disturbed.

- b. The method of redistribution of the overburden.
- c. The final configuration of affected land.
- d. Samples of overburden.
- e. Data upon which the mine plan is based.

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

- a. The department determines that land rehabilitation required under this chapter is not physically or biologically feasible; or
- b. The operation results in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or
- c. The operation results in a substantial loss of or reduction in long-range productivity of water supply or of food or fiber products; or
- d. The operation substantially endangers life and property, including areas subject to frequent flooding and areas of unstable geology.

Land on which surface coal mining is authorized by the department pursuant to this chapter on or before July 1, 1975 or where substantial legal and financial commitments for the operation are in existence prior to September 1, 1973 shall not be designated unsuitable.

4. A person who falsifies information required to be submitted under this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment for a period not to exceed thirty days or be punished by both such fine and imprisonment.

Sec. 5. Section eighty-three A point fourteen (83A.14),

Code 1975, is amended to read as follows:

83A.14 BOND. The application for registration shall be accompanied by a bond or security as required under sections 83A.23 or 83A.24 if overburden is removed. After ascertaining that the applicant is licensed under section 33A.7 and is not in violation of this chapter with respect to any site previously registered with the department, the department shall register the site and shall issue the applicant written authorization to conduct surface mining on the site. Nothing in this section shall require land which has been mined or from which overburden has been removed before July 1, 1976 to meet the standards in section two (2) of this Act. Authorization shall not be issued to conduct surface coal mining in areas designated unsuitable pursuant to section eighty-three A point thirteen (83A.13) of the Code.

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

A bond or security posted under this chapter to assure rehabilitation of land affected by surface mining shall not be released until all rehabilitation work required by this section and section two (2) of this Act has been performed to the department's satisfaction, except when a replacement bond or security is posted by a new operator under section 83A.16.

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

83A.19 REHABILITATION OF LAND. An operator of a surface mine shall rehabilitate land affected by surface mining within ~~twenty-four~~ twelve months after the filing of a report required under section 83A.18 indicating the mining of any part of a site has been completed. Each operator, upon completion of any rehabilitation work required by section 83A.17 and

section two (2) of this Act, shall apply to the department in writing for approval of the work. The department shall within a reasonable time determined by departmental rule inspect the completed rehabilitation work. Upon determination by the department that the operator has satisfactorily completed all required rehabilitation work on the land included in the application, the department shall release the bond or security on the rehabilitated land, shall remove the land from registration, and shall terminate or amend as necessary the operator's authorization to conduct surface mining on the site.

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

83A.21 POLITICAL SUBDIVISION ENGAGED IN MINING. Any political subdivision of the state of Iowa which engages or intends to engage in surface mining shall meet all requirements of sections 83A.13 to 83A.20 and section two (2) of this Act except the subdivision shall not be required to post bond or security on registered land. When a political subdivision engaging in surface mining violates any provision of this chapter or any rule adopted by the department pursuant to this chapter, the department shall notify the chief administrative officer or governing body of the subdivision. If after a reasonable time determined by the department, the subdivision has not commenced corrective measures approved by the department, the violation shall be referred to the committee. The chief administrative officer or governing body of the subdivision shall be notified in writing of the referral.

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

83A.23 FORM OF BOND. Each bond filed with the department by an operator pursuant to this chapter shall be in a form

prescribed by the department, payable to the state of Iowa, and conditioned upon faithful performance by the operator of all requirements of this chapter and all rules adopted by the department pursuant to this chapter. The bond shall be signed by the operator as principal and by a corporate surety licensed to do business in Iowa as surety. In lieu of a bond, the operator may deposit cash or government securities with the department on the same conditions as prescribed by this section for filing of bonds. The amount of the bond or other security required to be filed with an application for registration of a surface mining site, or to increase the area of a site previously registered, shall be equal to the estimated cost of rehabilitating the site as required under section 83A.17 and section two (2) of this Act. The estimated cost of rehabilitation of each individual site shall be determined by the department on the basis of relevant factors including, but not limited to, topography of the site, mining methods being employed, depth and composition of overburden, and depth of the mineral deposit being mined. The department may require an applicant for registration or amendment of registration of a site to furnish information necessary to estimate the cost of rehabilitating the site. The penalty of the bond or the amount of cash or securities on deposit may be increased or reduced from time to time in accordance with section 83A.15.

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

83A.28 FORFEITURE OF BOND. The attorney general, upon request of the committee, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee rehabilitation of a site where the operator is in violation of any of the provisions of this chapter or any rule adopted by the department pursuant to this chapter. Forfeiture of

the operator's bond shall fully satisfy all obligations of the operator to rehabilitate affected land covered by the bond. The department shall have the power to rehabilitate as required by section 83A.17 and section two (2) of this Act any surface mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary rehabilitation work.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 314, Sixty-sixth General Assembly.

CLARK R. RASMUSSEN
Secretary of the Senate

Approved May 15, 1975

ROBERT D. RAY
Governor