

House File 2765 - Introduced

HOUSE FILE 2765
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2595)
(SUCCESSOR TO HSB 731)

A BILL FOR

1 An Act providing for the regulation of mining, and making
2 penalties applicable.

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

unofficial

1 Section 1. Section 208.2, subsection 2, Code 2026, is amended
2 to read as follows:

3 2. "Affected land" means the area of land from which
4 overburden has been removed or upon which overburden has been
5 deposited or land ~~which~~ that has otherwise been disturbed,
6 changed, influenced, or altered in any way in the course of
7 mining, including a known or reported subsidence, and processing
8 and stockpile areas, but not including roads.

9 Sec. 2. Section 208.2, Code 2026, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 14A. a. "Subsidence" means the collapse,
12 settling, or sinking of land that occurs at or above an
13 underground mine located on public land or land located within
14 a public right-of-way and is caused by mining activity.

15 b. "Subsidence" does not include any collapse, settling, or
16 sinking of land that is naturally occurring or that results from
17 geological, hydrological, seismic, environmental, or other causes
18 not related to a mining activity.

19 Sec. 3. NEW SECTION. **208.9A Subsidence.**

20 1. The operator of a mine site registered pursuant to section
21 208.9 shall notify the division within forty-eight hours of the
22 discovery of the subsidence.

23 2. a. The operator shall submit an initial assessment of
24 the subsidence described in subsection 1 to the division within
25 fourteen days of the discovery.

26 b. The operator shall submit a subsidence repair plan to
27 the division within a reasonable time period after the initial
28 assessment has been received by the division. In consultation
29 with the division the plan shall include, to the extent
30 necessary, all of the following:

31 (1) A detailed description of the proposed methods and steps
32 to address and repair the damage caused by the subsidence.

33 (2) A scaled and georeferenced map indicating the location of
34 the subsidence.

35 (3) A proposed timeline outlining the expected key phases of

1 the repair.

2 (4) A written approval by a licensed professional engineer of
3 the plan and observations, and the completion of the repair.

4 Sec. 4. NEW SECTION. **208.24A Use of multiple or single**
5 **bonds.**

6 Regardless of whether an operator posts a number of multiple
7 bonds each for a single mine site or a single bond for multiple
8 mine sites, the total amount of the multiple bonds combined or
9 the single bond shall be applied only to cover the costs of
10 completing the reclamation of land identified on the applicable
11 bond forms or form for mine sites required to be registered
12 pursuant to section 208.9.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 GENERAL — REGULATIONS. This bill amends provisions in Code
17 chapter 208 regulating the mining of minerals, including surface
18 mining and underground mining, other than for coal, and provides
19 requirements for the reclamation of lands at the mine site.
20 The provisions are administered and enforced by the division of
21 soil conservation and water quality (division), an administrative
22 unit of the department of agriculture and land stewardship
23 (Code chapter 159 and Code section 161A.4). Code chapter
24 208 regulates a person engaged in and controlling the mining
25 operation (operator). This includes a requirement that the
26 operator be issued a license (Code sections 208.7 and 208.8)
27 and register the mine site being operated (Code sections 208.9
28 and 208.15). The registration must be accompanied by a bond
29 or other security (Code sections 208.23, 208.24, 208.25, and
30 208.28). The bonding provisions include requirements for the
31 posting of one bond covering multiple mine sites, and the
32 cancellation or forfeiture of the bond. After the completion of
33 mining operations, the operator must engage in the reclamation of
34 the land disturbed by the mining operations, which may include
35 grading, stabilizing, and revegetating the disturbed lands (Code

1 section 208.17).

2 GENERAL — ENFORCEMENT AND PENALTIES. The division may enter
3 onto a mine site to conduct an inspection at any time (Code
4 section 208.26). The division may issue an order directing an
5 operator to desist in an activity that constitutes a violation
6 of Code chapter 208. An operator who violates such an order
7 is subject to an administratively assessed civil penalty of up
8 to \$5,000 per violation (Code section 208.10A). Alternatively,
9 the division may notify the attorney general to institute a
10 civil action in district court for injunctive relief and for the
11 assessment of a civil penalty not to exceed \$10,000 per violation
12 (Code section 208.10A).

13 BILL'S PROVISIONS — SUBSIDENCE. The bill provides for a
14 condition that may result from a mining activity referred to
15 as "subsidence", which is defined as the collapse, settling,
16 or sinking of land that occurs at or above an underground
17 mine located on public land or land located within a public
18 right-of-way and is caused by a mining activity (amended Code
19 section 208.2). The bill requires the operator to notify the
20 division within 48 hours of the discovery of a subsidence. The
21 operator must submit an initial assessment of the subsidence and
22 a subsidence repair plan to the division, including a detailed
23 description of the proposed methods and steps to address and
24 repair the damage caused by the subsidence as approved by a
25 licensed professional engineer.

26 BILL'S PROVISIONS — BONDING. The bill provides that
27 regardless of whether an operator posts a number of multiple
28 bonds each for a single mine site or a single bond for multiple
29 mine sites, the total amount of the multiple bonds combined or
30 the single bond shall be applied only to cover the costs of
31 completing the reclamation of land identified on the applicable
32 bond forms or form.