

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ADMINISTRATIVE RULES REVIEW
COMMITTEE BILL)

A BILL FOR

1 An Act providing for regulation of certain noncoal mine sites,
2 including the reclamation of land above active underground
3 mine sites disturbed by the formation of sinkholes,
4 making penalties applicable, and including effective date
5 provisions.

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

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1 Section 1. NEW SECTION. 208.6 Maps.

2 Upon request by the division, the state geologist shall
3 furnish the division with the latest filed maps and extensions
4 of active mine sites pursuant to section 456.11.

5 Sec. 2. Section 208.8, subsection 1, Code 2023, is amended
6 to read as follows:

7 1. The division may, ~~for repeated or willful~~ for a violation
8 of any of the provisions of a provision of this chapter,
9 including the violation of a rule adopted or an order issued
10 pursuant to this chapter, initiate an action to suspend,
11 revoke, or refuse to issue a mining license.

12 Sec. 3. Section 208.9, Code 2023, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 2A. An operator of an active underground
15 mine site shall immediately notify the division of the
16 formation of a sinkhole located at or above the underground
17 mine site.

18 Sec. 4. Section 208.10A, subsection 1, unnumbered paragraph
19 1, Code 2023, is amended to read as follows:

20 ~~Any~~ A person who violates an order issued pursuant to section
21 208.10 or 208.17A shall be subject to an administrative penalty
22 determined by the division not to exceed five thousand dollars
23 per violation.

24 Sec. 5. NEW SECTION. 208.17A Active underground mines.

25 1. The division may adopt rules providing for the
26 reclamation of lands disturbed due to the formation of a
27 sinkhole at or above an active underground mine site required
28 to be registered pursuant to section 208.9. The administrator
29 may issue an emergency remediation order to the operator of
30 the mine requiring immediate restoration. The division shall
31 deliver a copy of the emergency reclamation order to the
32 operator by personal service.

33 2. The division may require the operator to submit to the
34 division for approval a remediation plan or statement affirming
35 that the remediation has been completed in compliance with

1 division requirements.

2 Sec. 6. Section 208.19, Code 2023, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 4. This section does not apply to the
5 reclamation of an active underground mine site as provided in
6 section 208.17A.

7 Sec. 7. Section 208.20, Code 2023, is amended to read as
8 follows:

9 **208.20 Extension of time.**

10 The time for completion of reclamation work may be extended
11 upon presentation by the operator of evidence satisfactory
12 to the division that the reclamation of affected land cannot
13 be completed within the time specified by section 208.17A or
14 208.19.

15 Sec. 8. NEW SECTION. **208.24A Use of single or multiple**
16 **bonds.**

17 Regardless of whether an operator posts a number of multiple
18 bonds each for a single mine site or a single bond for multiple
19 mine sites, the total amount of the multiple bonds combined
20 or the single bond shall be applied to cover the costs of
21 completing the reclamation of lands at any one mine site
22 required to be registered pursuant to section 208.9.

23 Sec. 9. Section 456.11, subsection 9, Code 2023, is amended
24 to read as follows:

25 9. a. ~~Abandoned mine Mines.~~ When ~~any~~ an underground mine
26 is worked out or is about to be abandoned or indefinitely
27 closed, the operator of the same shall make or cause to be made
28 a completed and extended map of the mine and the result of the
29 same shall be duly extended on all maps of the mine and copies
30 thereof so as to show all excavations and the most advanced
31 workings of the mine, and their exact relation to the boundary
32 or section lines on the surface, and deliver to the state
33 geologist a copy of the completed map.

34 b. When an underground mining site is active, its operator
35 shall provide a current map and current map extensions of

1 the active underground mining site to the state geologist as
2 required by the state geologist. The state geologist shall
3 deliver a copy of the current map and current map extensions
4 to the division of soil conservation and water quality of the
5 department of agriculture and land stewardship as provided in
6 section 208.6.

7 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

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

12 GENERAL. This bill amends provisions in Code chapter 208
13 regulating the mining of minerals, including surface mining
14 and underground mining, other than for coal, and provides
15 requirements for the reclamation of lands at the mine site.
16 The provisions are administered and enforced by the division of
17 soil and water conservation (division), an administrative unit
18 of the department of agriculture and land stewardship (Code
19 chapter 159), in cooperation with the state soil conservation
20 and water quality committee (Code section 161A.4). The
21 provisions regulate a person engaged in and controlling the
22 mining operation (operator). This includes a requirement that
23 the operator be issued a license (Code sections 208.7 and
24 208.8) and register the mine being operated (Code sections
25 208.9 and 209.15). The registration must be accompanied by
26 a bond or other security. The bonding provisions include
27 requirements for the posting of one bond covering multiple mine
28 sites, and the cancellation or forfeiture of the bond (Code
29 sections 208.23, 208.24, 208.25, 208.26, and 208.28). After
30 the completion of mining operations, the operator must engage
31 in the reclamation of the land disturbed by mining operations,
32 which may include grading, stabilizing, and revegetating the
33 disturbed lands (Code section 208.17). The division may issue
34 an order directing an operator to desist in an activity that
35 constitutes a violation of the Code chapter and a person who

1 violates such an order is subject to an administratively
2 assessed civil penalty of up to \$5,000 per violation.
3 Alternatively, the division may notify the attorney general
4 to institute a civil action in district court for injunctive
5 relief and for the assessment of a civil penalty not to exceed
6 \$10,000 per violation (Code section 208.10A).

7 BILL'S PROVISIONS. The bill provides requirements when
8 the operator is actively engaged in mining belowground where
9 land at or above the mine site, required to be registered, has
10 collapsed in the form of a sinkhole. The bill requires the
11 operator to immediately notify the division of the sinkhole.
12 The division may adopt rules providing for the reclamation
13 of lands disturbed due to the formation of a sinkhole at or
14 above an active underground mine site. The division may
15 issue an emergency remediation order to the operator of the
16 mine requiring immediate restoration. The division may also
17 require the operator to submit to the division for approval a
18 remediation plan or statement affirming that the remediation
19 has been completed in compliance with division requirements.
20 The total amount of the combined bonds posted by an operator
21 may be applied to cover the costs of reclaiming land disturbed
22 at any one mine site.

23 The bill takes effect upon enactment.