Article - Environment

§15–501.

(a) In this subtitle the following words have the meanings indicated.

(b) Repealed.

(c) "Auger mining" means the mechanical removal of coal from the subsurface by augering from the outcrop. It is an integral part of open–pit mining.

(d) "Committee" means the Land Reclamation Committee.

(e) "Deep mining" means any method of extracting coal from the subsurface, except open–pit mining and auger mining, and includes methods such as drift mining, shaft mining, and inclined slope mining.

(f) "Degree" means the angle of slope from the horizontal.

(g) "Department" means the Department of the Environment.

(h) "Federal approval of the State program" means approval by the federal government pursuant to the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95–87).

(i) "Imminent danger to the health and safety of the public" means the existence of a condition which is reasonably expected to cause substantial physical harm to persons outside the permit area. A reasonable expectation of harm exists if a rational person would not subject himself to the danger.

(j) "Land" means the surface of the land on which open–pit mining is conducted.

(k) "Land affected" means the areas on which open–pit mining activities occur or where those activities disturb the natural land surface. These areas also shall include any adjacent land, the use of which is incidental to any open–pit mining activity, any land affected by the construction of a new road or the improvement or use of an existing road to gain access to the site of the activities for haulage, and any excavation, working, impoundment, dam, ventilation shaft, entryway, refuse bank, dump, stockpile, overburden pile, spoil bank, culm bank, tailing, hole or depression, repair area, storage area, processing area, shipping area, or any other area on which is sited a structure, facility, or other property or material on the surface that results from or is incident to open–pit mining activities.

(l) "Land eligible for remining" means any land that would otherwise be eligible for expenditures under Subtitle 11 of this title.

(m) "Landowner" means a person in whom the legal title to the land is vested.

(n) (1) "Open–pit mining", "strip mining", and "surface coal mining" are terms

used interchangeably in this subtitle to mean the mining or recovery of bituminous coal by removing the strata or material which overlies or is above the coal deposit or seam in its natural condition, or any other recovery of coal by methods other than deep–mining, and land affected by such activities.

(2) These terms include methods such as contour, strip, auger, mountain top removal, box cut, open–pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site.

(3) "Open–pit mining", "strip mining", or "surface coal mining" do not include the incidental extraction of coal at a level that does not exceed within any calendar year 16 2/3 percent of the total cumulative production of coal and other minerals removed from a mining area for purposes of bona fide sale or reasonable commercial use.

(o) "Operator" means any person, partnership, limited liability company, or corporation that removes or intends to remove more than 250 tons of coal from the earth by surface coal mining within 12 consecutive calendar months in any one location.

(p) "Orphaned land" means land on which open–pit mining was conducted before June 1, 1967 and which has not been reclaimed.

(q) "Orphaned land reclamation project" or "project" means a competently designed reclamation project, which may include backfilling and revegetation, to restore orphaned lands.

(r) "Overburden" means the strata or material overlying a bituminous coal deposit in its natural state.

(s) "Owner's cash contribution" means the sum that an owner of property benefited by an orphaned land reclamation project agrees to pay in a lump sum on approval of the project.

(t) "Permit" means a permit to conduct open–pit mining pursuant to this subtitle.

(u) "Person" includes the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or any individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, associations, public or private corporation, or any other entity.

(v) "Principal owner" means an owner or beneficial owner of at least 10 percent of a corporation, firm, partnership, limited liability company, or association.

(w) "Prospect" means the removal of soil or rock material overlying bituminous coal to determine the location or value of the coal resource of the area, but not to sell, exchange, or transfer.

(x) "Secretary" means the Secretary of the Environment.

(y) "Spoil pile" means the overburden and reject coal as it is piled or deposited in open–pit mining.