



HOUSE BILL No. 4544

March 8, 1995, Introduced by Rep. Alley and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and sections 1, 2, 3, 5, 6, 7, and 8 of Act No. 92 of the Public Acts of 1970, entitled as amended

"An act to provide for reclamation of lands subjected to the mining of minerals; to control possible adverse environmental effects of mining; to preserve the natural resources; to encourage the planning of future land use; and to promote the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining,"

being sections 425.181, 425.182, 425.183, 425.185, 425.186, 425.187, and 425.188 of the Michigan Compiled Laws; to add sections 2a, 2b, 5a, 5b, and 7a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 5, 6, 7, and 8
2 of Act No. 92 of the Public Acts of 1970, being sections 425.181,
3 425.182, 425.183, 425.185, 425.186, 425.187, and 425.188 of the

1 Michigan Compiled Laws, are amended and sections 2a, 2b, 5a, 5b,
2 and 7a are added to read as follows:

3 TITLE

4 An act to provide for reclamation of lands subjected to the
5 mining of minerals; to control possible adverse environmental
6 effects of mining; to ~~preserve~~ CONSERVE the natural resources;
7 to encourage the planning of future land use; ~~and~~ to promote
8 the orderly development of mining, the encouragement of good
9 mining practices, and the recognition and identification of the
10 beneficial aspects of mining; TO PROVIDE FOR CERTAIN FEES; AND TO
11 PRESCRIBE PENALTIES.

12 Sec. 1. As used in this act:

13 ~~(a) "Department" means the department of natural~~
14 ~~resources.~~

15 ~~(b) "Mining area" or "area subjected to mining" means an~~
16 ~~area of land from which material is hereafter removed in connec-~~
17 ~~tion with the production or extraction of minerals by open pit~~
18 ~~mining methods, the lands on which material from such mining is~~
19 ~~hereafter deposited, the lands on which beneficiating or treat-~~
20 ~~ment plants and auxiliary facilities are hereafter located, the~~
21 ~~lands on which the water reservoirs used in the mining process~~
22 ~~are hereafter located, and auxiliary lands which are hereafter~~
23 ~~used.~~

24 ~~(c) "Operator" means an owner or lessee of mineral rights~~
25 ~~engaged in or preparing to engage in mining operations with~~
26 ~~respect thereto for the production of mineral products.~~

1 ~~(d) "Person" means an individual, corporation, company,~~
2 ~~association, joint venture, partnership, receiver, trustee,~~
3 ~~guardian, executor, administrator, personal representative or~~
4 ~~private organization.~~

5 ~~(e) "Stockpile" means material, including but not limited~~
6 ~~to, surface overburden, rock or lean ore, which in the process of~~
7 ~~mining and beneficiation or treatment has been removed from the~~
8 ~~earth and stored on the surface thereof, but excluding therefrom~~
9 ~~materials which are in the course of being treated in the produc-~~
10 ~~tion of mineral products and the mineral product which has been~~
11 ~~produced by such operation.~~

12 ~~(f) "Supervisor" means the chief of the geological survey~~
13 ~~division of the department of natural resources.~~

14 ~~(g) "Tailings basin" means land on which is hereafter depos-~~
15 ~~ited by hydraulic means the material which is separated from the~~
16 ~~mineral product in the beneficiation or treatment of minerals~~
17 ~~including any surrounding dikes constructed to contain the~~
18 ~~material.~~

19 ~~(h) "Mineral" means coal, gypsum, stone, metallic ore or~~
20 ~~material mined for its metallic content and other similar solid~~
21 ~~material or substance to be excavated from natural deposits on or~~
22 ~~in the earth for commercial, industrial or construction uses. It~~
23 ~~does not include clay, gravel, marl, peat or sand.~~

24 ~~(i) "Open pit mining" means the mining of a mineral in the~~
25 ~~regular operation of a business by removing the overburden lying~~
26 ~~above natural deposits thereof and mining directly from the~~
27 ~~natural deposits thereby exposed or by mining directly from~~

1 ~~deposits lying exposed in their natural state. It does not~~
2 ~~include excavation or grading preliminary to a construction~~
3 ~~project nor borrow operations for highway constructions.~~

4 (A) "ABANDONED" OR "ABANDONMENT" MEANS TERMINATION OF MINING
5 OPERATIONS OR CESSATION OF USE OF THE MINING AREA OR ANY PORTION
6 OF THE MINING AREA, WITH THE INTENT NOT TO RESUME MINING
7 OPERATIONS.

8 (B) "COMMISSION" MEANS THE COMMISSION OF NATURAL RESOURCES.

9 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

10 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

11 (E) "FUND" MEANS THE ABANDONED MINE RECLAMATION FUND CREATED
12 IN SECTION 2B.

13 (F) "LEAN ORE" MEANS MATERIAL THAT IS NOT RECOVERABLE UNDER
14 EXISTING ECONOMIC CONDITIONS.

15 (G) "MINERAL MATERIAL" MEANS ANY SUBSTANCE TO BE EXCAVATED
16 FROM NATURAL DEPOSITS ON OR IN THE EARTH FOR COMMERCIAL, INDUS-
17 TRIAL, OR CONSTRUCTION PURPOSES, INCLUDING LIMESTONE, DOLOSTONE,
18 SANDSTONE, SHALE, QUARTZITE, AND OTHER STONE, GYPSUM, GRAVEL,
19 CLAY, SAND, AND IRON AND COPPER ORES OR OTHER MATERIAL MINED FOR
20 ITS METALLIC CONTENT. MINERAL MATERIAL DOES NOT INCLUDE COAL,
21 MARL OR PEAT OR SAND MINED FOR COMMERCIAL OR INDUSTRIAL PURPOSES,
22 OR BOTH, FROM SAND DUNE AREAS REGULATED UNDER THE SAND DUNE PRO-
23 TECTION AND MANAGEMENT ACT, ACT NO. 222 OF THE PUBLIC ACTS OF
24 1976, BEING SECTIONS 281.651 TO 281.694 OF THE MICHIGAN COMPILED
25 LAWS.

26 (H) "MINING AND RECLAMATION PLAN" MEANS THE OPERATOR'S
27 WRITTEN PROPOSAL AS APPROVED BY THE SUPERVISOR FOR MINING

1 PROCEDURES AND RECLAMATION OF THE RESULTING MINING AREAS OR ANY
2 PORTION OF THE MINING AREA INCLUDING MAPS AND OTHER SUPPORTING
3 DOCUMENTS AS REQUIRED BY THE SUPERVISOR.

4 (I) "MINING AREA" OR "AREA SUBJECTED TO MINING" MEANS AN
5 AREA OF LAND FROM WHICH MATERIAL IS REMOVED IN CONNECTION WITH
6 THE PRODUCTION OR EXTRACTION OF MINERAL MATERIALS BY UNDERGROUND
7 OR SURFACE OR OPEN PIT MINING METHODS, THE LAND ON WHICH MATERIAL
8 FROM THE MINING IS DEPOSITED, THE LAND ON WHICH A BENEFICIATING
9 OR TREATMENT PLANT AND AUXILIARY FACILITY IS LOCATED, THE LAND ON
10 WHICH THE WATER RESERVOIR USED IN THE MINING PROCESS IS LOCATED,
11 AND AUXILIARY LAND THAT IS USED FOR A PURPOSE DESCRIBED IN THIS
12 SUBDIVISION.

13 (J) "OPERATOR" MEANS AN OWNER OR LESSEE OF MINERAL RIGHTS OR
14 ANY OTHER PERSON ENGAGED IN OR PREPARING TO ENGAGE IN UNDERGROUND
15 OR SURFACE OR OPEN PIT MINING.

16 (K) "OVERBURDEN" MEANS THE EARTH AND OTHER MATERIAL THAT
17 LIES ABOVE OR ALONGSIDE NATURAL MINERAL DEPOSITS AND INCLUDES ALL
18 EARTH, SOIL, AND OTHER MATERIAL DISTURBED FROM ITS NATURAL STATE
19 IN THE PROCESS OF MINING EXCLUSIVE OF THE MINED MINERAL
20 MATERIAL.

21 (L) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, COMPANY,
22 ASSOCIATION, JOINT VENTURE, PARTNERSHIP, RECEIVER, TRUSTEE,
23 GUARDIAN, EXECUTOR, ADMINISTRATOR, PERSONAL REPRESENTATIVE, PRI-
24 VATE ORGANIZATION, OR A PUBLIC OR GOVERNMENTAL AGENCY.

25 (M) "RECLAMATION" MEANS THE ORDERLY REHABILITATION AND STA-
26 BILIZATION OF THE LAND SURFACE AND SURFACE RESOURCES SUBJECT TO
27 DISRUPTION FROM UNDERGROUND MINING OR SURFACE OR OPEN PIT

1 MINING. BOTH THE NEED FOR AND THE PRACTICABILITY OF RECLAMATION
2 SHALL CONTROL THE TYPE AND DEGREE OF RECLAMATION IN A SPECIFIC
3 INSTANCE. THE BASIC OBJECTIVE OF RECLAMATION IS TO REESTABLISH
4 THE VEGETATIVE COVER, SOIL STABILITY, AND WATER CONDITIONS ON A
5 CONTINUING BASIS IN A MANNER THAT IS APPROPRIATE FOR THE INTENDED
6 SUBSEQUENT USE OF THE AREA.

7 (N) "ROCKPILE" MEANS THAT ACCUMULATION OF WASTE ROCK OR LEAN
8 ORE THAT IS ENCOUNTERED IN THE PROCESS OF MINING.

9 (O) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
10 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF
11 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
12 LAWS.

13 (P) "SUPERVISOR" MEANS THE PERSON DESIGNATED BY THE DIRECTOR
14 TO IMPLEMENT THIS ACT.

15 (Q) "SURFACE OR OPEN PIT MINING" MEANS THE MINING OF MORE
16 THAN 10,000 TONS OF A MINERAL MATERIAL OR DISTURBING MORE THAN 1
17 ACRE OF LAND A YEAR IN THE REGULAR OPERATION OF A BUSINESS BY
18 REMOVING THE OVERBURDEN LYING ABOVE A NATURAL DEPOSIT OF A MIN-
19 ERAL MATERIAL AND MINING DIRECTLY FROM THE NATURAL DEPOSIT
20 EXPOSED OR BY MINING DIRECTLY FROM A DEPOSIT LYING EXPOSED IN THE
21 MINERAL MATERIAL'S NATURAL STATE. SURFACE OR OPEN PIT MINING
22 INCLUDES ALL MINING BELOW THE WATER TABLE OR WHICH WILL UPON CES-
23 SATION OF MINING RESULT IN CREATING A BODY OF WATER OF ANY SIZE.
24 SURFACE OR OPEN PIT MINING DOES NOT INCLUDE EXCAVATION OR GRADING
25 PRELIMINARY TO A CONSTRUCTION PROJECT.

26 (R) "TAILINGS BASIN" MEANS LAND ON WHICH MATERIAL THAT IS
27 SEPARATED FROM THE MINERAL PRODUCT IN THE BENEFICIATION OR

1 TREATMENT OF MINERAL MATERIALS, IS DEPOSITED, AND MAY INCLUDE A
2 SURROUNDING DIKE CONSTRUCTED TO CONTAIN THE MATERIAL.

3 (S) "UNDERGROUND MINING" MEANS THE MINING OF MINERAL MATE-
4 RIAL BY THE CONSTRUCTION AND OPERATION OF UNDERGROUND SHAFTS,
5 ADITS, AND UNDERGROUND SUPPORT FACILITIES.

6 Sec. 2. The supervisor ~~shall~~ MAY conduct ~~a~~ comprehen-
7 sive ~~study~~ STUDIES and ~~survey~~ SURVEYS in order to determine,
8 consistent with the intent of this act, the extent and type of
9 regulation of mining areas necessary in the public interest. The
10 supervisor shall consider the effects of mining upon ALL OF THE
11 FOLLOWING:

12 (a) THE environment. ~~—~~

13 (b) THE future use of the land upon completion of mining.

14 ~~and~~

15 (c) THE wise use and protection of the natural resources,
16 including ~~but not limited to,~~ the control of erosion, the pre-
17 vention of land or rock slides AND SUBSIDENCE, and air and water
18 pollution. The supervisor also shall consider ~~(a)~~ THE future
19 and economic effect of ~~such~~ THE regulations upon mine operators
20 and landowners, the surrounding communities and this state, ~~(b)~~
21 THE effect on employment in this state, ~~(c)~~ THE effect on the
22 future mining and development of ~~metallic minerals~~ MINERAL
23 MATERIALS, and ~~(d)~~ THE practical problems of mine operators and
24 mineral owners.

25 SEC. 2A. (1) SUBJECT TO APPROVAL OF THE COMMISSION, THE
26 DIRECTOR SHALL APPOINT 7 PERSONS TO SERVE ON AN ADVISORY BOARD TO
27 BE KNOWN AS THE MINING COUNCIL. FIVE MEMBERS OF THE MINING

1 COUNCIL SHALL BE SELECTED FROM MINING OPERATORS OR THEIR MANAGING
2 AGENTS OR REPRESENTATIVES HAVING OWNERSHIP, PRODUCTION, OR OPERA-
3 TIONS WITHIN THE STATE THAT ARE SUBJECT TO THIS ACT. HOWEVER,
4 NOT MORE THAN 1 REPRESENTATIVE FROM 1 COMPANY OR ANY OF ITS SUB-
5 SIDIARIES OR AFFILIATES SHALL BE APPOINTED TO THE MINING
6 COUNCIL. TWO MEMBERS OF THE MINING COUNCIL SHALL BE REPRESENTA-
7 TIVES OF THE GENERAL PUBLIC.

8 (2) THE TERM OF EACH MEMBER OF THE MINING COUNCIL IS 3
9 YEARS. HOWEVER, OF THOSE FIRST APPOINTED, 2 SHALL SERVE FOR 1
10 YEAR, 2 FOR 2 YEARS, AND 3 FOR 3 YEARS. THE DIRECTOR SHALL FILL
11 A VACANCY OCCURRING IN THE MINING COUNCIL SUBJECT TO THE APPROVAL
12 OF THE COMMISSION, AND MAY REMOVE ANY MEMBER OF THE MINING COUN-
13 CIL FOR GOOD CAUSE AFTER PUBLIC HEARING AND APPROVAL BY THE
14 COMMISSION. EACH MEMBER OF THE MINING COUNCIL, UNLESS REMOVED IN
15 THE MANNER PROVIDED IN THIS SUBSECTION, SHALL SERVE UNTIL THE
16 APPOINTMENT AND QUALIFICATION OF A SUCCESSOR.

17 (3) EACH MEMBER OF THE MINING COUNCIL SHALL QUALIFY BY
18 TAKING AND SUBSCRIBING TO THE CONSTITUTIONAL OATH OF OFFICE AND
19 BY FILING THIS OATH IN THE OFFICE OF THE SECRETARY OF STATE. THE
20 MEMBERS OF THE MINING COUNCIL, AFTER HAVING QUALIFIED, SHALL
21 IMMEDIATELY, AND ANNUALLY THEREAFTER, MEET AT THE OFFICE OF THE
22 SUPERVISOR IN LANSING AND ORGANIZE BY ELECTING A CHAIRPERSON AND
23 VICE-CHAIRPERSON. FOUR MEMBERS OF THE MINING COUNCIL CONSTITUTE
24 A QUORUM FOR THE TRANSACTION OF BUSINESS. THE MINING COUNCIL
25 SHALL HOLD AT LEAST 1 MEETING EVERY 6 MONTHS AND SUCH OTHER MEET-
26 INGS AS IT CONSIDERS NECESSARY UPON THE NOTICE THAT THE MINING
27 COUNCIL PROVIDES, UNLESS THIS NOTICE IS WAIVED BY EACH MEMBER.

1 MEETINGS SHALL BE HELD AT THE OFFICE OF THE SUPERVISOR AT
2 LANSING, OR AT SUCH OTHER PLACE IN THE STATE AS SCHEDULED BY THE
3 MINING COUNCIL OR THE SUPERVISOR. MEETINGS SHALL BE CALLED BY
4 THE CHAIRPERSON OR IN HIS OR HER ABSENCE BY THE VICE-CHAIRPERSON,
5 OR BY A MAJORITY OF THE MEMBERS OF THE MINING COUNCIL OR BY THE
6 SUPERVISOR.

7 (4) THE MINING COUNCIL, WHEN REQUESTED BY THE COMMISSION AND
8 THE SUPERVISOR, SHALL CONSULT WITH AND ADVISE THE COMMISSION AND
9 THE SUPERVISOR, AND SHALL PERFORM SUCH OTHER DUTIES THAT ARE DEL-
10 EGATED TO IT BY THE SUPERVISOR IN THE ADMINISTRATION OF THIS
11 ACT. THE MINING COUNCIL MAY PARTICIPATE OFFICIALLY IN ALL PUBLIC
12 HEARINGS PROVIDED FOR IN THIS ACT, AND, UPON REQUEST BY THE
13 MINING COUNCIL, MAY CONSULT WITH THE SUPERVISOR WITH RESPECT TO A
14 DETERMINATION THAT IS MADE AT THE HEARING.

15 (5) THE MINING COUNCIL SHALL, AT ALL REASONABLE TIMES, HAVE
16 ACCESS TO ALL OFFICE RECORDS, DOCUMENTS, AND ORDERS OF THE SUPER-
17 VISOR EXCEPTING RECORDS THAT ARE CONFIDENTIAL. THE SUPERVISOR
18 SHALL INFORM THE MINING COUNCIL BY BULLETINS OR BY AN OTHERWISE
19 AGREED PLAN AS TO THE CONDUCT OF THE SUPERVISOR RELATIVE TO THE
20 ENFORCEMENT OF THIS ACT.

21 (6) THE SUPERVISOR AND HIS OR HER EMPLOYEES SHALL, IN ADDI-
22 TION TO THEIR SALARIES, RECEIVE THEIR REASONABLE EXPENSES WHILE
23 TRAVELING UPON BUSINESS CONNECTED WITH THEIR DUTIES. THE MEMBERS
24 OF THE MINING COUNCIL SHALL NOT RECEIVE COMPENSATION, BUT EACH
25 MEMBER IS ENTITLED TO REASONABLE EXPENSES WHILE TRAVELING IN THE
26 PERFORMANCE OF ANY OF THE DUTIES IMPOSED UNDER THIS ACT. ALL
27 SALARIES AND EXPENSES AUTHORIZED BY THIS SECTION SHALL BE PAID

1 OUT OF THE STATE TREASURY IN THE SAME MANNER AS THE SALARIES AND
2 EXPENSES OF OTHER OFFICERS AND EMPLOYEES OF THE DEPARTMENT ARE
3 PAID.

4 (7) THE DEPARTMENT OF MANAGEMENT AND BUDGET SHALL FURNISH
5 SUITABLE OFFICES FOR THE USE OF THE SUPERVISOR, HIS OR HER
6 EMPLOYEES, AND THE MINING COUNCIL.

7 SEC. 2B. (1) THE ABANDONED MINE RECLAMATION FUND IS CREATED
8 WITHIN THE STATE TREASURY.

9 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
10 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
11 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
12 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
13 INVESTMENTS.

14 (3) MONEY IN THE FUND APPROPRIATED FROM THE GENERAL FUND
15 SHALL REMAIN IN THE FUND AT THE CLOSE OF THE FISCAL YEAR AND
16 SHALL NOT LAPSE TO THE GENERAL FUND.

17 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
18 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

19 (A) RECLAMATION AND TREATMENT OF ABANDONED SURFACE MINE
20 AREAS, ABANDONED PROCESSING AREAS, ABANDONED ROCK AND OVERBURDEN
21 PILES.

22 (B) SEALING AND FILLING ABANDONED DEEP MINE ENTRIES AND
23 VOIDS.

24 (C) VEGETATION AND GRADING OF LAND ADVERSELY AFFECTED BY
25 PAST MINING TO PREVENT EROSION AND SEDIMENTATION.

26 (D) PREVENTION, ABATEMENT, TREATMENT, AND CONTROL OF WATER
27 POLLUTION CREATED BY MINE DRAINAGE

1 (E) CONTROL OF MINE SUBSIDENCE.

2 (F) FENCING OF AREAS AFFECTED BY PAST MINING THAT EXHIBITS A
3 SIGNIFICANT PUBLIC SAFETY HAZARD.

4 (5) THE SUPERVISOR SHALL CONSULT WITH THE MINING COUNCIL AS
5 TO ABANDONED MINE RECLAMATION FUND EXPENDITURES AND SHALL RECEIVE
6 APPROVAL FROM THE COMMISSION BEFORE FUNDS ARE EXPENDED.

7 Sec. 3. (1) ~~On completion of the study and survey, the~~

8 THE supervisor ACTING DIRECTLY OR THROUGH AN AUTHORIZED

9 REPRESENTATIVE may ~~promulgate rules pertaining to mining opera-~~

10 ~~tions conducted subsequent to their effective date and subject to~~

11 ~~the provisions of any rights existing pursuant to any permit,~~

12 ~~license, lease or other valid existing authorization issued by a~~

13 ~~governmental entity, and subject to applicable mine safety laws~~

14 ~~or rules~~ DO 1 OR MORE OF THE FOLLOWING:

15 (A) PROMULGATE RULES TO IMPLEMENT AND ADMINISTER THIS ACT

16 AND ISSUE ORDERS, INCLUDING EMERGENCY ORDERS, AND INSTRUCTIONS

17 NECESSARY TO ENFORCE THE RULES.

18 (B) ISSUE EMERGENCY ORDERS WITHOUT A PUBLIC HEARING TO CARRY

19 OUT THIS ACT.

20 (C) DO WHATEVER MAY BE NECESSARY WITH RESPECT TO THE SUBJECT

21 MATTER STATED IN THIS ACT TO CARRY OUT THE PURPOSES OF THIS ACT.

22 (2) AN EMERGENCY ORDER ISSUED UNDER THIS ACT SHALL NOT

23 REMAIN IN FORCE AND EFFECT FOR MORE THAN 60 DAYS.

24 (3) THE RULES PROMULGATED UNDER THIS ACT SHALL INCLUDE

25 PROVISIONS for ALL OF the following: ~~purposes:~~

26 (a) The sloping, terracing, PLANTING WITH VEGETATION, or

27 other ~~practical~~ treatment of ~~stockpiles~~ ROCKPILES, OVERBURDEN

1 PILES, and tailings basins where erosion is occurring or is
2 likely to occur which results or may result in injury or damage
3 to fish and wildlife, the pollution of public waters, or which
4 ~~is causing or might cause~~ CAUSES OR MAY CAUSE injury to the
5 property or person of others.

6 (b) The PLANTING OF vegetation or other ~~practical~~ treat-
7 ment of ROCKPILES, OVERBURDEN PILES, AND tailings basins ~~and~~
8 ~~stockpiles~~ upon ~~becoming permanently inactive where~~
9 ABANDONMENT IF substantial natural vegetation is not expected
10 within 5 years and ~~where~~ IF research reveals that THE PLANTING
11 OF vegetation can reasonably be accomplished. ~~within practical~~
12 ~~limitations.~~ HOWEVER, A PROGRESSIVE ONGOING VEGETATIVE COVER
13 PLAN APPROVED BY THE SUPERVISOR SHALL BE REQUIRED FOR SAND OR
14 GRAVEL MINING OPERATIONS.

15 (c) The stabilization AND TERRACING of the surface overbur-
16 den banks of open pits in rock and the entire bank of open pits
17 in unconsolidated materials upon their abandonment.

18 (d) The cleanup of A plantsite and mining ~~areas~~ AREA and
19 the removal of debris ~~therefrom on termination of the mining~~
20 ~~operation~~ FROM THE PLANTSITE AND MINING AREA UPON ABANDONMENT.

21 (E) POSTING AND FENCING OF A BODY OF WATER OF ANY SIZE,
22 PRODUCT STOCKPILES HAVING A SLOPE OF 30 DEGREES OR GREATER AND
23 PIT WALLS OF GREATER THAN 30 DEGREES ALL OF WHICH DIRECTLY RESULT
24 FROM MINING. IN ANY CASE FENCING SHALL BE CHAIN LINK VARIETY AND
25 NOT LESS THAN 8 FEET IN HEIGHT.

26 (F) THE ADMINISTRATION OF THE FUND.

1 (4) THE SUPERVISOR, UPON APPLICATION BY THE LANDOWNER OR
2 OPERATOR AND AFTER HOLDING A PUBLIC HEARING, MAY MODIFY OR PERMIT
3 VARIANCE FROM THE RULES PROMULGATED UNDER THIS ACT IF THE SUPER-
4 VISOR DETERMINES THAT THE MODIFICATION OR VARIANCE IS NOT CON-
5 TRARY TO THE PUBLIC INTEREST OR SAFETY.

6 Sec. 5. (1) The supervisor OR THE SUPERVISOR'S AUTHORIZED
7 REPRESENTATIVE shall administer and enforce this act and the
8 rules promulgated ~~pursuant hereto. He may (a) consult~~ UNDER
9 THIS ACT.

10 (2) THE SUPERVISOR OR THE SUPERVISOR'S AUTHORIZED REPRESENTATIVE
11 TATIVE MAY DO THE FOLLOWING:

12 (A) CONSULT with and obtain the assistance of ~~the other~~
13 ~~divisions~~ A DIVISION of the department. ~~, (b) enter on the~~

14 (B) ENTER mining areas WITHOUT PRIOR NOTICE in connection
15 with ~~any~~ AN investigation and inspection without liability to
16 the operator or landowner. ~~if reasonable prior notice of his~~
17 ~~intention to do so has been given the operator or landowner, and~~
18 ~~(c) conduct such~~

19 (C) CONDUCT OR AUTHORIZE research, INVESTIGATIONS, EXPERI-
20 MENTS, OR DEMONSTRATIONS or enter into contracts AND ACCEPT
21 GRANTS related to mining areas and the reclamation ~~thereof~~ OF
22 MINING AREAS as may be necessary to carry out ~~the provisions of~~
23 ~~section 2 to section 5~~ THIS ACT.

24 (D) COLLECT AND DISSEMINATE INFORMATION RELATING TO MINING
25 AND THE RECLAMATION OF MINED LAND.

26 SEC. 5A. ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION
27 AN OPERATOR SHALL NOT ENGAGE IN UNDERGROUND OR SURFACE OR OPEN

1 PIT MINING WITHOUT OBTAINING A MINING AND RECLAMATION PLAN
2 APPROVAL FROM THE SUPERVISOR. A SEPARATE MINING AND RECLAMATION
3 PLAN IS REQUIRED FOR EACH SEPARATE MINING OPERATION. BEFORE
4 RECEIVING A MINING AND RECLAMATION PLAN APPROVAL FROM THE SUPER-
5 VISOR, AN OPERATOR SHALL SUBMIT AN APPLICATION ON A FORM PROVIDED
6 BY THE SUPERVISOR, THAT CONTAINS PLANS OF OPERATION AND RECLAMA-
7 TION WITHIN THE AREA SUBJECTED TO MINING, AND ANY OTHER PERTINENT
8 DATA THAT IS REQUIRED BY THE SUPERVISOR.

9 SEC. 5B. (1) WITHIN 120 DAYS OF THE RECEIPT OF THE APPLICA-
10 TION BY THE SUPERVISOR UNDER SECTION 5A AND RECEIPT OF THE FILING
11 FEE UNDER SECTION 6, THE SUPERVISOR MAY EITHER APPROVE THE
12 APPLICANT'S PLAN OR RETURN AN INCOMPLETE OR INADEQUATE APPLICA-
13 TION TO THE APPLICANT ALONG WITH A DESCRIPTION OF THE
14 DEFICIENCIES. THE SUPERVISOR SHALL NOT APPROVE A MINING AND REC-
15 LAMATION PLAN IF THE SUPERVISOR CONSIDERS THAT RECLAMATION AS
16 REQUIRED BY THIS ACT OR RULES PROMULGATED UNDER THIS ACT CANNOT
17 BE ACCOMPLISHED; THAT THERE MAY BE IRREPARABLE OFF SITE IMPACTS
18 TO THE HYDROLOGIC BALANCE; OR THAT THE PLAN WILL CAUSE DAMAGE TO
19 ADJACENT OWNERS' PROPERTY.

20 (2) IF A MINING AND RECLAMATION PLAN IS NOT APPROVED BY THE
21 SUPERVISOR WITHIN 120 DAYS AFTER RECEIPT OF THE APPLICATION UNDER
22 SUBSECTION (1), THE SUPERVISOR MAY GRANT PROVISIONAL AUTHORITY TO
23 OPERATE AND SET THE AMOUNT OF THE PERFORMANCE BOND OR OTHER
24 SECURITY REQUIRED. A PROVISIONAL AUTHORITY TO MINE SHALL BE PUR-
25 SUANT TO CONDITIONS PRESCRIBED BY THE SUPERVISOR UNTIL A MINING
26 AND RECLAMATION PLAN IS APPROVED AND SHALL REMAIN IN EFFECT ONLY

1 IF THE OPERATOR COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY THE
2 SUPERVISOR.

3 (3) IF THE SUPERVISOR REFUSES TO APPROVE A MINING AND RECLA-
4 MATION PLAN IN THE FORM SUBMITTED BY THE OPERATOR, THE SUPERVISOR
5 SHALL NOTIFY THE OPERATOR, IN WRITING, STATING THE REASONS FOR
6 THE REFUSAL AND LISTING THE CHANGES OR ADDITIONAL REQUIREMENTS TO
7 THE OPERATOR'S PLAN THAT ARE NECESSARY FOR THE APPROVAL OF THE
8 PLAN BY THE SUPERVISOR. WITHIN 60 DAYS, THE OPERATOR SHALL
9 EITHER ACCEPT THE CHANGES OR ADDITIONAL REQUIREMENTS AS PART OF
10 THE RECLAMATION PLAN OR FILE A REQUEST FOR A HEARING. IF A
11 REQUEST FOR A HEARING IS FILED BY THE OPERATOR, A PROVISIONAL
12 AUTHORITY TO MINE MAY BE GRANTED AS SPECIFIED IN THIS SECTION.

13 (4) THE MINING AND RECLAMATION PLAN MAY BE MODIFIED, AFTER
14 TIMELY NOTICE AND OPPORTUNITY FOR A HEARING, AT ANY TIME FOR ANY
15 OF THE FOLLOWING REASONS:

16 (A) TO MODIFY THE REQUIREMENTS SO THAT THE REQUIREMENTS WILL
17 NOT CONFLICT WITH EXISTING LAW.

18 (B) IF THE SUPERVISOR DETERMINES THAT THE APPROVED MINING
19 AND RECLAMATION PLAN IS CLEARLY IMPOSSIBLE OR IMPRACTICABLE TO
20 IMPLEMENT AND MAINTAIN.

21 (C) IF THE SUPERVISOR DETERMINES THAT THE APPROVED MINING
22 AND RECLAMATION PLAN IS NOT ACCOMPLISHING THE INTENT OF THIS ACT
23 AND THE RULES PROMULGATED UNDER THIS ACT.

24 (D) IF THE OPERATOR AND THE SUPERVISOR MUTUALLY AGREE TO
25 CHANGE THE MINING AND RECLAMATION PLAN.

1 (5) A MINING AND RECLAMATION PLAN FILING FEE SHALL NOT BE
2 CHARGED FOR A PUBLIC OR GOVERNMENTAL AGENCY IF THE PUBLIC OR
3 GOVERNMENTAL AGENCY IS THE OPERATOR.

4 (6) THE PROCEEDS OF THE MINING AND RECLAMATION PLAN FILING
5 FEE SHALL BE CREDITED TO THE GENERAL FUND AND SHALL BE AVAILABLE
6 FOR APPROPRIATION BY THE LEGISLATURE FOR THE COST OF MONITORING,
7 SURVEILLANCE, ENFORCEMENT, AND ADMINISTRATION OF THIS ACT.

8 Sec. 6. (1) For the purpose of information and to assist
9 the supervisor in proper enforcement of ~~such~~ THIS ACT AND THE
10 rules PROMULGATED UNDER THIS ACT an operator ~~, within 120 days~~
11 ~~after the effective date of the act,~~ shall ANNUALLY ON OR BEFORE
12 MARCH 15 file ALL OF THE FOLLOWING with the supervisor: ~~a~~

13 (A) A plan map in the form determined by the supervisor
14 showing all ~~existing~~ mining areas or areas subjected to mining
15 by the operator ~~. Annually thereafter, on or before March 15,~~
16 ~~the operator shall file a plan map in similar form~~ AND showing
17 any changes made during the preceding calendar year and SHOWING
18 the mining area ~~which he~~ THAT THE OPERATOR anticipates will be
19 subjected to mining during the current calendar year. ~~The~~
20 ~~supervisor periodically shall ascertain the long range land envi-~~
21 ~~ronment plans of the operator.~~

22 (B) A REPORT SHOWING THE MARKET VALUE OF THE MINERAL MATERI-
23 ALS MINED AND PROCESSED AT THE MINING AREA AND THE PROGRESS OF
24 RECLAMATION ACTIVITIES OF THE OPERATOR FOR THE PRECEDING YEAR.

25 (2) THE ANNUAL FILING FEES REQUIRED UNDER THIS ACT ARE AS
26 FOLLOWS:

1 (A) THE BASIC MINING AND RECLAMATION FILING FEE FOR CLAY,
2 SAND, OR GRAVEL SURFACE OR OPEN PIT MINING OPERATIONS IS \$50.00
3 PER YEAR PLUS \$10.00 FOR EACH ACRE OF THE MINING AREA THAT WAS
4 NEWLY AFFECTED DURING THE PREVIOUS CALENDAR YEAR. THIS FEE SHALL
5 BE SUBMITTED WITH THE PERMIT APPLICATION AND EACH YEAR THEREAFTER
6 WITH SUBMISSION OF THE REPORT AND MAPS REQUIRED UNDER SUBSECTION
7 (1).

8 (B) THE BASIC MINING AND RECLAMATION FILING FEE FOR A COM-
9 BINED SAND OR GRAVEL PERMIT WITHIN A COUNTY IS \$50.00 PER YEAR
10 FOR 1 MINING AREA AND \$10.00 A YEAR FOR EACH ADDITIONAL MINING
11 AREA WITHIN THAT COUNTY, PLUS \$10.00 FOR EACH ACRE OF THE MINING
12 AREA THAT WAS NEWLY AFFECTED DURING THE PREVIOUS CALENDAR YEAR.
13 THIS FEE SHALL BE SUBMITTED WITH THE PERMIT APPLICATION AND EACH
14 YEAR THEREAFTER WITH SUBMISSION OF THE REPORT AND MAPS REQUIRED
15 UNDER SUBSECTION (1).

16 (C) THE BASIC MINING AND RECLAMATION PLAN FILING FEE FOR
17 UNDERGROUND, SURFACE, OR OPEN PIT MINING OPERATIONS OTHER THAN
18 CLAY, SAND, OR GRAVEL IS \$150.00 PER YEAR PLUS \$10.00 FOR EACH
19 ACRE OF THE MINING AREA THAT WAS NEWLY AFFECTED DURING THE PREVI-
20 OUS CALENDAR YEAR. THIS FEE SHALL BE SUBMITTED WITH THE APPLICA-
21 TION AND EACH YEAR THEREAFTER WITH SUBMISSION OF THE REPORT AND
22 MAPS REQUIRED UNDER SUBSECTION (1).

23 (3) FOR THE PURPOSES OF SURVEILLANCE, MONITORING, ADMINIS-
24 TRATION, AND ENFORCEMENT OF THIS ACT, AND IN ADDITION TO THE
25 MINING AND RECLAMATION PLAN FILING FEE, THE SUPERVISOR SHALL
26 ASSESS A FEE TO EACH OPERATOR BASED ON A FRACTION OF THE MARKET
27 VALUE OF THE MINERAL MATERIALS MINED WITHIN A MINING AREA FOR THE

1 CALENDAR YEAR AS DESCRIBED IN SUBSECTION (1)(B). SEVENTY-FIVE
2 PERCENT OF THE FUNDS COLLECTED BY THE ASSESSMENT SHALL NOT EXCEED
3 THE ACTUAL COSTS TO THE DEPARTMENT IN IMPLEMENTING THIS ACT. THE
4 REMAINING 25% OF THE FUNDS COLLECTED SHALL BE DEPOSITED IN THE
5 ABANDONED MINE RECLAMATION FUND.

6 (4) THE FEE DESCRIBED IN SUBSECTION (3) IS DUE NOT MORE THAN
7 30 DAYS AFTER THE DEPARTMENT SENDS WRITTEN NOTICE TO THE OPERATOR
8 OF THE AMOUNT DUE.

9 (5) THE DEPARTMENT SHALL ASSESS AGAINST THE OPERATOR A PEN-
10 ALTY EQUAL TO 10% OF THE AMOUNT DUE, OR \$10,000.00, WHICHEVER IS
11 GREATER, FOR A FEE NOT PAID WHEN DUE. AN UNPAID FEE AND PENALTY
12 ARE A DEBT AND MAY BECOME THE BASIS OF A JUDGMENT AGAINST THE
13 OPERATOR. PENALTIES PAID PURSUANT TO THIS SECTION SHALL BE USED
14 FOR THE IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THIS
15 ACT.

16 Sec. 7. The supervisor ~~, if he has reasonable doubts as to~~
17 ~~an operator's financial ability to comply with the rules as to~~
18 ~~actions to be taken after completion of mining operations or any~~
19 ~~phase thereof,~~ may require an operator to furnish a performance
20 bond, ~~or other~~ security, or assurance satisfactory to the
21 supervisor ~~— The~~ TO ASSURE COMPLIANCE WITH THIS ACT, THE RULES
22 PROMULGATED UNDER THIS ACT, AND THE APPROVED MINING AND RECLAMA-
23 TION PLAN. IN DETERMINING THE AMOUNT OF THE BOND, SECURITY, OR
24 ASSURANCE, THE SUPERVISOR SHALL CONSIDER THE CHARACTER AND NATURE
25 OF THE MINING AREA, FUTURE SUITABLE USE OF THE LAND INVOLVED, AND
26 THE COST OF RECLAMATION THAT IS LIKELY TO BE REQUIRED. THE
27 SUPERVISOR MAY REQUIRE AN OPERATOR TO FURNISH INFORMATION

1 NECESSARY TO ESTIMATE THE COST OF RECLAIMING THE MINING AREA. IN
2 APPLYING THIS SECTION, THE supervisor may postpone furnishing of
3 the REQUIRED bond, security, or assurance depending upon the life
4 of the mining operation INVOLVED.

5 SEC. 7A. A PERSON WHO IS AGGRIEVED BY AN ACTION OR INACTION
6 OF THE SUPERVISOR MAY REQUEST A CONTESTED CASE HEARING ON THE
7 MATTER INVOLVED. THE HEARING SHALL BE CONDUCTED PURSUANT TO THE
8 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
9 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE
10 MICHIGAN COMPILED LAWS. A DETERMINATION, ACTION, OR INACTION BY
11 THE SUPERVISOR FOLLOWING THE HEARING IS SUBJECT TO REVIEW AS PRO-
12 VIDED FOR IN ACT NO. 306 OF THE PUBLIC ACTS OF 1969.

13 Sec. 8. (1) IF THE SUPERVISOR OR AN AUTHORIZED AGENT OF THE
14 SUPERVISOR FINDS THAT AN OPERATOR IS NOT IN COMPLIANCE WITH THIS
15 ACT, AN ORDER ISSUED UNDER THIS ACT, A RULE PROMULGATED UNDER
16 THIS ACT, OR THE APPROVED MINING AND RECLAMATION PLAN, THE SUPER-
17 VISOR MAY SUSPEND THE ACTIVITIES ON THE MINING AREA OR ANY POR-
18 TION OF THE MINING AREA FOR NOT LONGER THAN 30 DAYS.

19 (2) At the request of the supervisor, the attorney general
20 may institute an action in a circuit court ~~of the county in~~
21 ~~which the mining operation affected is conducted~~ for a restrain-
22 ing order, ~~or~~ injunction, or other appropriate remedy to pre-
23 vent ~~or preclude~~ a violation ~~of the terms and conditions~~ of
24 THIS ACT, any rule promulgated ~~hereunder~~ UNDER THIS ACT, OR THE
25 APPROVED MINING AND RECLAMATION PLAN.

26 (3) A PERSON WHO VIOLATES THIS ACT, RULES PROMULGATED UNDER
27 THIS ACT, OR AN APPROVED MINING AND RECLAMATION PLAN IS GUILTY OF

1 A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000.00.
2 EACH DAY THAT THE VIOLATION CONTINUES CONSTITUTES A SEPARATE
3 OFFENSE.

4 Section 2. Section 4 of Act No. 92 of the Public Acts of
5 1970, being section 425.184 of the Michigan Compiled Laws, is
6 repealed.