

SENATE BILL No. 1196

March 12, 2002, Introduced by Senators HAMMERSTROM, SIKKEMA, DE BEAUSSAERT, BYRUM, NORTH, JOHNSON, GAST, STILLE, VAN REGENMORTER, SANBORN, GOSCHKA and GARCIA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 63101, 63103b, 63103d, and 63103e (MCL
324.63101, 324.63103b, 324.63103d, and 324.63103e), section 63101
as amended and sections 63103b, 63103d, and 63103e as added by
1997 PA 149, and by adding sections 63103f, 63103g, 63103h,
63103i, 63103j, 63103k, and 63109.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63101. As used in this part:

2 (a) "Administratively complete", ~~means~~ WHEN USED WITH REF-
3 ERENCE TO an application for a mining permit under this part,
4 ~~that is~~ MEANS THAT THE APPLICATION HAS BEEN determined by the
5 department to satisfy all of the conditions of this part and
6 rules promulgated under this part.

1 (b) "Department" means the department of environmental
2 quality.

3 (C) "ENVIRONMENTAL ELEMENTS" MEANS THE BIOLOGICAL, PHYSICAL,
4 AND CHEMICAL CHARACTERISTICS OF THE ENVIRONMENT, INCLUDING BUT
5 NOT LIMITED TO THE FOLLOWING:

6 (i) WATERSHEDS.

7 (ii) WATER BODIES.

8 (iii) FORESTS.

9 (iv) EXISTING AREAS MAINTAINED FOR PUBLIC RECREATION.

10 (v) SHORELANDS.

11 (vi) HABITAT AREAS.

12 (D) "GRAVEL AND INLAND SAND MINING OPERATION" MEANS AN OPER-
13 ATION FOR THE MINING OF GRAVEL OR INLAND SAND, OR BOTH.

14 (E) "GRAVEL AND INLAND SAND OPERATOR" MEANS A PERSON WHO
15 OWNS OR LEASES THE PLANT AND EQUIPMENT UTILIZED IN A MINING AREA
16 FOR GRAVEL OR INLAND SAND, OR BOTH, AND IS ENGAGED IN THE BUSI-
17 NESS OF MINING GRAVEL OR INLAND SAND, OR BOTH, OR PREPARING TO
18 ENGAGE IN THE BUSINESS OF MINING GRAVEL OR INLAND SAND, OR BOTH.

19 (F) "GRAVEL AND INLAND SAND PRODUCT" MEANS COMMERCIALY SAL-
20 ABLE GRAVEL OR INLAND SAND, OR BOTH, IN ITS FINAL MARKETABLE FORM
21 OR STATE.

22 (G) "INLAND SAND" MEANS SAND THAT IS NOT FROM SAND DUNE
23 AREAS REGULATED UNDER PART 637.

24 (H) ~~-(c)-~~ "Life of the mine" means the period of time from
25 issuance of a permit under this part through the completion of
26 reclamation as required by this part.

1 (I) ~~(d)~~ "Metallic mineral" means metallic ore or material
2 mined for its metallic content.

3 (J) ~~(e)~~ "Metallic mineral operator" means a person who
4 owns or leases the plant and equipment utilized in a metallic
5 mineral mining area and is engaged in the business of mining
6 metallic minerals or preparing to engage in mining operations for
7 metallic minerals.

8 (K) ~~(f)~~ "Metallic product" means a commercially salable
9 metallic mineral in its final marketable form or state.

10 (l) ~~(g)~~ "Mineral" means any substance to be excavated from
11 the natural deposits on or in the earth for commercial, industri-
12 al, or construction purposes, including gypsum, limestone, dolos-
13 tone, sandstone, shale, metallic mineral, GRAVEL, INLAND SAND, or
14 other solid materials. Mineral does not include clay, ~~gravel,~~
15 marl, peat, ~~inland sand or~~ sand mined for commercial or indus-
16 trial purposes ~~,~~ from sand dune areas regulated under part 637,
17 or coal regulated under part 635.

18 (M) ~~(h)~~ "Mining area" or "area subjected to mining" means
19 an area of land from which material is removed in connection with
20 the production or extraction of minerals by surface or open pit
21 mining methods, the lands on which material from that mining is
22 deposited, the lands on which beneficiating or treatment plants
23 and auxiliary facilities are located, the lands on which the
24 water reservoirs used in the mining process are located, and aux-
25 iliary lands which are used IN CONNECTION WITH ANY OF THESE
26 PURPOSES.

1 (N) ~~(i)~~ "Operator" means a metallic mineral operator, A
2 GRAVEL AND INLAND SAND OPERATOR, or other persons engaged in or
3 preparing to engage in mining operations for the production of
4 mineral products.

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

11 (P) ~~(k)~~ "Supervisor of reclamation" means the state
12 geologist.

13 (Q) ~~(l)~~ "Surface or open pit mining" means the mining of
14 more than 10,000 tons of a mineral or disturbing more than 1 acre
15 of land a year in the regular operation of a business by removing
16 the overburden lying above a natural deposit of a mineral and
17 mining directly from the natural deposit exposed or by mining
18 directly from a deposit lying exposed in the mineral's natural
19 state. Surface or open pit mining includes all mining below the
20 water table or which will upon cessation of mining result in cre-
21 ating a body of water of any size. Surface or open pit mining
22 does not include excavation or grading preliminary to a construc-
23 tion project.

24 (R) ~~(m)~~ "Tailings basin" means land on which is deposited,
25 by hydraulic or other means, the material that is separated from
26 the mineral product in the beneficiation or treatment of

1 minerals, including any surrounding dikes constructed to contain
2 the material.

3 Sec. 63103b. The mining and reclamation plan submitted
4 under section 63103a, for the total ~~project~~ METALLIC MINERAL
5 MINING OPERATION, shall include all of the following:

6 (a) The method and direction of mining.

7 (b) Surface overburden stripping plans.

8 (c) The depth of grade level over the entire site from which
9 the metallic mineral will be removed.

10 (d) Provisions for grading, revegetation, and stabilization
11 that will minimize soil erosion, sedimentation, and public safety
12 concerns.

13 (e) The location of buildings, equipment, stockpiles, roads,
14 or other features necessary to the mining ~~activity~~ OPERATION
15 and provisions for their removal and FOR restoration of the area
16 at the ~~project~~ termination OF THE MINING OPERATION.

17 (f) The interim use or uses of reclaimed areas before the
18 cessation of the entire mining operation.

19 (g) Maps and other supporting documents required by the
20 department.

21 (h) Fencing or other techniques to minimize trespass or
22 unauthorized access to the mining ~~activity~~ OPERATION.

23 (i) If required by the department when A mining ~~activity~~
24 OPERATION below the water table is proposed, a hydrogeological
25 survey of the surrounding area.

26 (j) If threatened or endangered species are identified, an
27 indication of how the threatened or endangered species will be

1 protected or, if not protected, what mitigation measures will be
2 performed.

3 (k) If the proposed mining ~~activity~~ OPERATION includes
4 beneficiation or treatment of the metallic ore or material mined
5 for its metallic content, the application documents shall include
6 specific plans depicting the beneficiation and treatment methods
7 and techniques, and manufacturer's material safety data sheets on
8 all chemicals or other additives THAT WILL BE UTILIZED IN THE
9 PROCESS AND that are not natural to the site. ~~, that will be~~
10 ~~utilized in the process.~~ The METALLIC MINERAL operator shall
11 obtain all applicable state and federal permits before beginning
12 the beneficiation process.

13 Sec. 63103d. (1) For purposes of surveillance, monitoring,
14 administration, and enforcement of this part, a metallic mineral
15 operator shall be assessed a metallic mineral surveillance fee on
16 the metallic product produced for the calendar year reported as
17 described in subsection (2). The fee shall be assessed upon each
18 metallic product at the following rates: gold shall be not more
19 than 9.4 cents per troy ounce, silver shall not be more than 0.13
20 cents per troy ounce, copper shall not be more than 0.03 cents
21 per pound, and iron shall not be more than 1 cent per metric
22 ton. Funds collected by the assessment of the metallic mineral
23 surveillance fee shall not exceed the actual costs to the depart-
24 ment of implementing the sections of this part that pertain to
25 metallic mineral mining. Surveillance fees collected under this
26 section shall be forwarded to the state treasurer for deposit in

1 the metallic mineral surveillance fee fund created in
2 section 63103e.

3 (2) A metallic mineral operator shall file an annual report
4 of production on or before February 15 of each year. The report
5 shall contain the annual production of metallic product from each
6 metallic mineral mine.

7 (3) The metallic mineral surveillance fee described in sub-
8 section (1) shall be due not more than 30 days after the depart-
9 ment sends written notice to the metallic mineral operator of the
10 amount due.

11 (4) Failure to submit an annual report of production in com-
12 pliance with rules promulgated by the department constitutes
13 grounds for revocation of a permit.

14 (5) A ~~penalty~~ LATE CHARGE equal to 10% of the amount due,
15 or \$1,000.00, whichever is greater, shall be assessed against the
16 metallic mineral operator for a fee that is not paid when due.
17 An unpaid fee and ~~penalty shall~~ LATE CHARGE constitute a debt
18 and ~~become~~ ARE the basis ~~of~~ FOR a judgment against the
19 METALLIC MINERAL operator. ~~Penalties~~ LATE CHARGES paid pursu-
20 ant to this section shall be used for the implementation, admin-
21 istration, and enforcement of ~~this part~~ PROVISIONS OF THIS PART
22 RELATED TO METALLIC MINERAL MINING.

23 (6) Records upon which the annual report of production is
24 based shall be preserved for 3 years and are subject to audit by
25 the department.

26 Sec. 63103e. (1) The metallic mineral surveillance fund is
27 created within the state treasury.

1 (2) The state treasurer may receive money or other assets
2 from any source for deposit into the metallic mineral surveil-
3 lance fund. The state treasurer shall direct the investment of
4 the metallic mineral surveillance fund. The state treasurer
5 shall credit to the metallic mineral surveillance fund interest
6 and earnings from fund investments.

7 (3) Money in the metallic mineral surveillance fund at the
8 close of the fiscal year shall remain in the metallic mineral
9 surveillance fund and shall not lapse to the general fund.

10 (4) The department shall expend money from the metallic min-
11 eral surveillance fund, upon appropriation, only for surveil-
12 lance, monitoring, administration, and enforcement under this
13 part RELATED TO METALLIC MINERAL MINING and for computing the
14 surveillance fee under section 63103d.

15 SEC. 63103F. (1) A GRAVEL AND INLAND SAND OPERATOR SHALL
16 NOT ENGAGE IN THE MINING OF GRAVEL OR INLAND SAND, OR BOTH, WITH-
17 OUT FIRST OBTAINING A GRAVEL AND INLAND SAND MINING PERMIT FROM
18 THE DEPARTMENT. A GRAVEL AND INLAND SAND OPERATOR ENGAGED IN OR
19 CARRYING OUT A GRAVEL AND INLAND SAND MINING OPERATION AS OF THE
20 EFFECTIVE DATE OF THIS SECTION SHALL APPLY FOR A GRAVEL AND
21 INLAND SAND MINING PERMIT WITHIN 1 YEAR AFTER THE EFFECTIVE DATE
22 OF THIS SECTION. ANY SUCH EXISTING GRAVEL AND INLAND SAND MINING
23 OPERATION MAY CONTINUE MINING UNTIL THE DEPARTMENT ISSUES OR
24 DENIES A PERMIT FOR THE GRAVEL AND INLAND SAND MINING OPERATION.

25 (2) PRIOR TO RECEIVING A PERMIT FROM THE DEPARTMENT, A
26 GRAVEL AND INLAND SAND OPERATOR SHALL SUBMIT THE FOLLOWING TO THE
27 DEPARTMENT:

1 (A) A PERMIT APPLICATION ON A FORM PROVIDED BY THE
2 DEPARTMENT.

3 (B) A PERMIT APPLICATION FEE. THE AMOUNT OF THE PERMIT
4 APPLICATION FEE SHALL BE ESTABLISHED BY THE DEPARTMENT BY RULE.
5 FUNDS COLLECTED BY THE ASSESSMENT OF THE APPLICATION FEE SHALL
6 NOT EXCEED THE ACTUAL COSTS TO THE DEPARTMENT OF REVIEWING AND
7 PROCESSING APPLICATIONS FOR GRAVEL AND INLAND SAND MINING
8 PERMITS. PERMIT APPLICATION FEES SHALL BE FORWARDED TO THE STATE
9 TREASURER FOR DEPOSIT IN THE GRAVEL AND INLAND SAND PERMITTING
10 AND SURVEILLANCE FUND CREATED IN SECTION 63103K.

11 (C) AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED
12 GRAVEL AND INLAND SAND MINING OPERATION AS DESCRIBED UNDER SEC-
13 TION 63103G.

14 (D) A MINING AND RECLAMATION PLAN FOR THE PROPOSED GRAVEL
15 AND INLAND SAND MINING OPERATION AS PRESCRIBED BY SECTION
16 63103H.

17 (3) THE DEPARTMENT SHALL DENY A GRAVEL AND INLAND SAND
18 MINING PERMIT IF, UPON REVIEW OF THE ENVIRONMENTAL IMPACT STATE-
19 MENT, THE DEPARTMENT DETERMINES THAT THE PROPOSED GRAVEL AND
20 INLAND SAND MINING OPERATION IS LIKELY TO POLLUTE, IMPAIR, OR
21 DESTROY THE AIR, WATER, OR OTHER NATURAL RESOURCES OR THE PUBLIC
22 TRUST IN THOSE RESOURCES.

23 SEC. 63103G. THE ENVIRONMENTAL IMPACT STATEMENT FOR A
24 GRAVEL AND INLAND SAND MINING OPERATION SUBMITTED TO THE DEPART-
25 MENT UNDER SECTION 63103F SHALL COMPLY WITH THE REQUIREMENTS OF
26 THE DEPARTMENT AND SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL
27 OF THE FOLLOWING:

1 (A) THE COMPATIBILITY OF THE PROPOSED MINING OPERATION WITH
2 ADJACENT EXISTING LAND USES OR LAND USE PLANS.

3 (B) THE IMPACT OF THE PROPOSED MINING OPERATION ON FLORA,
4 FAUNA, OR WILDLIFE HABITATS.

5 (C) THE ECONOMIC IMPACT OF THE PROPOSED MINING OPERATION ON
6 THE SURROUNDING AREA.

7 (D) THE EFFECTS OF THE PROPOSED MINING OPERATION ON GROUND-
8 WATER SUPPLY, LEVEL, QUALITY, AND FLOW ON SITE AND WITHIN 1,000
9 FEET OF THE PROPOSED MINING OPERATION.

10 (E) THE EFFECTS OF THE PROPOSED MINING OPERATION ON ADJACENT
11 SURFACE RESOURCES.

12 (F) THE EFFECT OF THE PROPOSED MINING OPERATION ON AIR QUAL-
13 ITY WITHIN 1,000 FEET OF THE PROPOSED MINING OPERATION.

14 (G) WHETHER THE PROPOSED MINING OPERATION IS LOCATED WITHIN
15 ANY OF THE FOLLOWING:

16 (i) 1,000 FEET OF A RESIDENCE.

17 (ii) 2,000 FEET OF A SCHOOL.

18 (iii) 500 FEET OF A COMMERCIAL DEVELOPMENT.

19 (H) ALTERNATIVES, IF ANY, TO THE LOCATION OF THE PROPOSED
20 MINING OPERATION AND THE REASONS FOR THE CHOICE OF THE LOCATION
21 OF THE PROPOSED MINING OPERATION OVER THOSE ALTERNATIVES.

22 (I) A DESCRIPTION OF THE ENVIRONMENT, AS IT EXISTS AT THE
23 TIME OF THE PERMIT APPLICATION, IN THE AREA OF THE PROPOSED
24 MINING OPERATION. THE ENVIRONMENTAL IMPACT STATEMENT SHALL PRO-
25 VIDE THE GREATEST DETAIL ON THE AREAS AND THE ENVIRONMENTAL ELE-
26 MENTS THAT RECEIVE THE MAJOR IMPACTS FROM THE PROPOSED MINING

1 OPERATION, BUT ALSO SHALL INCLUDE AREAS THAT MAY BE IMPACTED AS
2 AN INDIRECT RESULT OF THE MINING OPERATION.

3 (J) AN INVENTORY OF THE PHYSICAL ENVIRONMENTAL ELEMENTS OF
4 THE PROPOSED SITE. THE INVENTORY SHALL BE CONDUCTED AT A TIME OR
5 AT DIFFERENT TIMES OF THE YEAR THAT WILL PROVIDE THE MOST COM-
6 PLETE INFORMATION REGARDING THE EXISTING CONDITIONS OF THE AREA
7 THAT WILL BE IMPACTED DIRECTLY OR INDIRECTLY BY THE PROPOSED
8 MINING OPERATION.

9 SEC. 63103H. THE MINING AND RECLAMATION PLAN SUBMITTED
10 UNDER SECTION 63103F, FOR THE TOTAL GRAVEL AND INLAND SAND MINING
11 OPERATION, SHALL INCLUDE ALL OF THE FOLLOWING:

12 (A) THE METHOD AND DIRECTION OF MINING.

13 (B) THE ANTICIPATED DURATION OF THE MINING OPERATION.

14 (C) SURFACE OVERBURDEN STRIPPING PLANS.

15 (D) THE DEPTH OF GRADE LEVEL OVER THE ENTIRE SITE FROM WHICH
16 THE GRAVEL OR INLAND SAND, OR BOTH, WILL BE REMOVED.

17 (E) PROVISIONS FOR GRADING, REVEGETATION, AND STABILIZATION
18 THAT WILL MINIMIZE SOIL EROSION, SEDIMENTATION, AND PUBLIC SAFETY
19 CONCERNS.

20 (F) THE LOCATION OF BUILDINGS, EQUIPMENT, STOCKPILES, ROADS,
21 OR OTHER FEATURES NECESSARY TO THE MINING OPERATION AND PROVI-
22 SIONS FOR THEIR REMOVAL AND FOR RESTORATION OF THE AREA AT THE
23 TERMINATION OF THE MINING OPERATION.

24 (G) THE INTERIM USE OR USES OF RECLAIMED AREAS BEFORE THE
25 CESSATION OF THE ENTIRE MINING OPERATION.

26 (H) MAPS AND OTHER SUPPORTING DOCUMENTS REQUIRED BY THE
27 DEPARTMENT.

1 (I) FENCING OR OTHER TECHNIQUES TO MINIMIZE TRESPASS OR
2 UNAUTHORIZED ACCESS TO THE MINING OPERATION.

3 (J) IF REQUIRED BY THE DEPARTMENT WHEN A MINING OPERATION
4 BELOW THE WATER TABLE IS PROPOSED, A HYDROGEOLOGICAL SURVEY OF
5 THE SURROUNDING AREA.

6 (K) IF THREATENED OR ENDANGERED SPECIES ARE IDENTIFIED, AN
7 INDICATION OF HOW THE THREATENED OR ENDANGERED SPECIES WILL BE
8 PROTECTED OR HOW ANY ADVERSE IMPACTS ON THE ENDANGERED OR THREAT-
9 ENED SPECIES WILL BE MITIGATED.

10 SEC. 63103I. (1) A GRAVEL AND INLAND SAND MINING PERMIT
11 ISSUED BY THE DEPARTMENT IS VALID FOR A PERIOD SPECIFIED BY THE
12 DEPARTMENT IN THE PERMIT, BUT NOT MORE THAN 5 YEARS. A GRAVEL
13 AND INLAND SAND MINING PERMIT SHALL BE RENEWED IF THE GRAVEL AND
14 INLAND SAND MINING OPERATION HAS BEEN CARRIED OUT IN COMPLIANCE
15 WITH THIS PART, THE RULES PROMULGATED UNDER THIS PART, AND THE
16 CONDITIONS OF THE PERMIT. HOWEVER, THE DEPARTMENT MAY REVOKE A
17 GRAVEL AND INLAND SAND MINING PERMIT UNDER ANY OF THE FOLLOWING
18 CONDITIONS:

19 (A) THE PERSON HOLDING THE PERMIT HAS NOT COMMENCED CON-
20 STRUCTION OF PLANT FACILITIES OR CONDUCTED ACTUAL MINING AND REC-
21 LAMATION OPERATIONS COVERED BY THE PERMIT WITHIN 3 YEARS AFTER
22 THE DATE OF ISSUANCE OF THE PERMIT.

23 (B) THE PERMITTEE REQUESTS THE REVOCATION OF THE PERMIT AND
24 THE DEPARTMENT DETERMINES THE MINING OPERATION HAS NOT POLLUTED,
25 IMPAIRED, OR DESTROYED THE AIR, WATER, OR OTHER NATURAL RESOURCES
26 OR THE PUBLIC TRUST IN THOSE RESOURCES.

1 (C) THE PERMITTEE FAILS TO SUBMIT THE ANNUAL REPORT OF
2 PRODUCTION AS REQUIRED BY SECTION 63103J(2).

3 (D) THE DEPARTMENT FINDS THAT THE PERMITTEE IS NOT IN COM-
4 PLIANCE WITH THIS PART, THE RULES PROMULGATED UNDER THIS PART, OR
5 THE PERMIT AND THERE EXISTS AN IMMINENT THREAT TO THE PUBLIC
6 HEALTH AND SAFETY OR TO THE NATURAL RESOURCES OF THE STATE.

7 (2) THE DEPARTMENT MAY ORDER IMMEDIATE SUSPENSION OF ANY OR
8 ALL ACTIVITIES AT A GRAVEL AND INLAND SAND MINING OPERATION,
9 INCLUDING THE REMOVAL OF GRAVEL AND INLAND SAND PRODUCT FROM THE
10 SITE, IF THE DEPARTMENT FINDS THERE EXISTS AN EMERGENCY ENDANGER-
11 ING THE PUBLIC HEALTH AND SAFETY OR THE NATURAL RESOURCES OF THE
12 STATE.

13 (3) AN ORDER SUSPENDING OPERATIONS SHALL BE IN EFFECT FOR
14 THE SHORTER OF THE FOLLOWING TIME PERIODS:

15 (A) UNTIL THE GRAVEL AND INLAND SAND MINING OPERATION IS IN
16 COMPLIANCE AND THE PUBLIC HEALTH AND SAFETY OR NATURAL RESOURCES
17 OF THE STATE ARE NO LONGER ENDANGERED.

18 (B) TEN DAYS. TO EXTEND THE SUSPENSION BEYOND 10 DAYS, THE
19 DEPARTMENT SHALL ISSUE AN EMERGENCY ORDER TO CONTINUE THE SUSPEN-
20 SION OF OPERATIONS AND SHALL SCHEDULE A HEARING AS PROVIDED BY
21 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
22 24.201 TO 24.328. THE TOTAL DURATION OF THE SUSPENSION OF OPERA-
23 TIONS SHALL NOT BE MORE THAN 30 DAYS.

24 (4) A GRAVEL AND INLAND SAND MINING PERMIT MAY BE TRANS-
25 FERRED WITH APPROVAL OF THE DEPARTMENT. THE PERSON SEEKING TO
26 ACQUIRE THE PERMIT SHALL SUBMIT A REQUEST FOR TRANSFER OF THE
27 PERMIT TO THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT.

1 THE PERSON ACQUIRING THE PERMIT SHALL ACCEPT THE CONDITIONS OF
2 THE EXISTING PERMIT AND ADHERE TO THE REQUIREMENTS SET FORTH ON
3 THE APPROVED MINING AND RECLAMATION PLAN. PENDING THE TRANSFER
4 OF THE EXISTING PERMIT, THE PERSON SEEKING TO ACQUIRE THE PERMIT
5 SHALL NOT OPERATE THE MINE.

6 (5) A GRAVEL AND INLAND SAND MINING PERMIT SHALL NOT BE
7 TRANSFERRED TO A PERSON WHO HAS BEEN DETERMINED TO BE IN VIOLA-
8 TION OF ANY OF THE FOLLOWING, UNTIL THE PERSON ACQUIRING THE
9 PERMIT HAS CORRECTED THE VIOLATION OR THE DEPARTMENT HAS ACCEPTED
10 A COMPLIANCE SCHEDULE AND A WRITTEN AGREEMENT HAS BEEN REACHED TO
11 CORRECT THE VIOLATIONS:

12 (A) THIS PART.

13 (B) THE RULES PROMULGATED UNDER THIS PART.

14 (C) CONDITIONS OF THE PERMIT.

15 (D) AN ORDER OF THE DEPARTMENT ISSUED UNDER THIS PART.

16 (6) IF THE PERMITTEE OF A GRAVEL AND INLAND SAND MINING
17 OPERATION IS UNDER NOTICE BECAUSE OF UNSATISFACTORY CONDITIONS AT
18 THE MINING SITE INVOLVED IN THE TRANSFER, THEN THE PERMIT FOR THE
19 MINING OPERATION SHALL NOT BE TRANSFERRED TO A PERSON UNTIL THE
20 PERMITTEE HAS COMPLETED THE NECESSARY CORRECTIVE ACTIONS OR THE
21 PERSON ACQUIRING THE PERMIT HAS ENTERED INTO A WRITTEN AGREEMENT
22 TO CORRECT ALL OF THE UNSATISFACTORY CONDITIONS.

23 (7) WITHIN 60 DAYS AFTER RECEIPT OF AN APPLICATION FOR A
24 GRAVEL AND INLAND SAND MINING PERMIT, THE DEPARTMENT SHALL REVIEW
25 THE APPLICATION TO DETERMINE IF THE APPLICATION IS ACCURATE AND
26 COMPLETE. IF THE APPLICATION IS DETERMINED TO BE INACCURATE OR
27 INCOMPLETE, THEN THE DEPARTMENT SHALL PROVIDE THE PERSON MAKING

1 THE APPLICATION FOR A PERMIT, WITHIN THE 60-DAY PERIOD, WITH A
2 NOTICE STATING THAT THE APPLICATION IS INACCURATE OR INCOMPLETE
3 AND SPECIFYING WHAT CHANGES OR ADDITIONAL INFORMATION SHALL BE
4 SUBMITTED. UPON RECEIPT OF THE REQUESTED INFORMATION, THE
5 DEPARTMENT SHALL HAVE UP TO AN ADDITIONAL 30 DAYS TO REVIEW THE
6 INFORMATION TO DETERMINE IF THE APPLICATION IS ACCURATE AND
7 COMPLETE. UPON COMPLETION OF THE REVIEW PROCESS, THE DEPARTMENT
8 SHALL APPROVE OR DENY A PERMIT APPLICATION IN WRITING WITHIN 60
9 DAYS AFTER THE APPLICATION IS DETERMINED BY THE DEPARTMENT TO BE
10 ADMINISTRATIVELY COMPLETE. A DETERMINATION OF ADMINISTRATIVE
11 COMPLETENESS SHALL NOT BE CONSTRUED TO MEAN THAT ADDITIONAL
12 INFORMATION MAY NOT BE REQUIRED FROM THE APPLICANT AS A RESULT OF
13 NEW CIRCUMSTANCES THAT COME TO THE ATTENTION OF THE DEPARTMENT.
14 IF A PERMIT IS DENIED, THE REASONS SHALL BE STATED IN A WRITTEN
15 REPORT TO THE APPLICANT.

16 (8) A GRAVEL AND INLAND SAND MINING PERMIT MAY BE AMENDED
17 UPON SUBMISSION TO THE DEPARTMENT OF A REQUEST BY THE PERMITTEE.
18 UPON RECEIPT OF THE REQUEST TO AMEND AN EXISTING GRAVEL AND
19 INLAND SAND MINING PERMIT, THE DEPARTMENT SHALL DETERMINE IF THE
20 REQUEST CONSTITUTES A SIGNIFICANT CHANGE FROM THE CONDITIONS OF
21 THE APPROVED PERMIT. IF THE DEPARTMENT DETERMINES THE REQUEST IS
22 A SIGNIFICANT CHANGE FROM THE CONDITIONS OF THE APPROVED PERMIT,
23 THE DEPARTMENT MAY SUBMIT THE REQUEST FOR AMENDMENT TO THE SAME
24 REVIEW PROCESS AS PROVIDED IN SUBSECTION (7). IF A REQUEST TO
25 AMEND THE PERMIT IS DENIED, THE REASONS FOR DENIAL SHALL BE
26 STATED IN A WRITTEN REPORT TO THE PERMITTEE. IF THE DEPARTMENT
27 DETERMINES THE REQUEST FOR AMENDMENT DOES NOT CONSTITUTE A

1 SIGNIFICANT CHANGE FROM THE CONDITIONS OF THE APPROVED PERMIT,
2 THE DEPARTMENT SHALL APPROVE THE AMENDMENT AND NOTIFY THE
3 PERMITTEE.

4 SEC. 63103J. (1) FOR PURPOSES OF SURVEILLANCE, MONITORING,
5 ADMINISTRATION, AND ENFORCEMENT OF THIS PART, A GRAVEL AND INLAND
6 SAND OPERATOR SHALL BE ASSESSED A GRAVEL AND INLAND SAND SURVEIL-
7 LANCE FEE OF NOT MORE THAN 2 CENTS PER SHORT TON ON THE GRAVEL
8 AND INLAND SAND PRODUCT PRODUCED FOR THE CALENDAR YEAR REPORTED
9 AS DESCRIBED IN SUBSECTION (2). FUNDS COLLECTED BY THE ASSESS-
10 MENT OF THE GRAVEL AND INLAND SAND SURVEILLANCE FEE SHALL NOT
11 EXCEED THE ACTUAL COSTS TO THE DEPARTMENT OF IMPLEMENTING THE
12 SECTIONS OF THIS PART THAT PERTAIN TO GRAVEL AND INLAND SAND
13 MINING. SURVEILLANCE FEES COLLECTED UNDER THIS SECTION SHALL BE
14 FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE GRAVEL AND
15 INLAND SAND PERMITTING AND SURVEILLANCE FUND CREATED IN
16 SECTION 63103K.

17 (2) A GRAVEL AND INLAND SAND OPERATOR SHALL FILE AN ANNUAL
18 REPORT OF PRODUCTION ON OR BEFORE FEBRUARY 15 OF EACH YEAR. THE
19 REPORT SHALL CONTAIN THE ANNUAL PRODUCTION OF GRAVEL AND INLAND
20 SAND PRODUCT FROM EACH GRAVEL AND INLAND SAND MINING OPERATION.

21 (3) THE GRAVEL AND INLAND SAND SURVEILLANCE FEE DESCRIBED IN
22 SUBSECTION (1) IS DUE NOT MORE THAN 30 DAYS AFTER THE DEPARTMENT
23 SENDS WRITTEN NOTICE TO THE GRAVEL AND INLAND SAND OPERATOR OF
24 THE AMOUNT DUE.

25 (4) FAILURE TO SUBMIT AN ANNUAL REPORT OF PRODUCTION IN COM-
26 PLIANCE WITH RULES PROMULGATED BY THE DEPARTMENT CONSTITUTES
27 GROUNDS FOR REVOCATION OF A PERMIT.

1 (5) THE DEPARTMENT SHALL ASSESS A LATE CHARGE EQUAL TO 10%
2 OF THE AMOUNT DUE, OR \$1,000.00, WHICHEVER IS GREATER, AGAINST
3 THE GRAVEL AND INLAND SAND OPERATOR FOR A FEE THAT IS NOT PAID
4 WHEN DUE. AN UNPAID FEE AND LATE CHARGE CONSTITUTE A DEBT AND
5 ARE THE BASIS FOR A JUDGMENT AGAINST THE GRAVEL AND INLAND SAND
6 OPERATOR. LATE CHARGES PAID PURSUANT TO THIS SUBSECTION SHALL BE
7 FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE GRAVEL AND
8 INLAND SAND PERMITTING AND SURVEILLANCE FUND CREATED UNDER SEC-
9 TION 63103K.

10 (6) A GRAVEL AND INLAND SAND OPERATOR SHALL PRESERVE RECORDS
11 UPON WHICH THE ANNUAL REPORT OF PRODUCTION IS BASED FOR 3 YEARS.
12 THESE RECORDS ARE SUBJECT TO AUDIT BY THE DEPARTMENT.

13 SEC. 63103K. (1) THE GRAVEL AND INLAND SAND PERMITTING AND
14 SURVEILLANCE FUND IS CREATED WITHIN THE STATE TREASURY.

15 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
16 FROM ANY SOURCE FOR DEPOSIT INTO THE GRAVEL AND INLAND SAND PER-
17 MITTING AND SURVEILLANCE FUND. THE STATE TREASURER SHALL DIRECT
18 THE INVESTMENT OF THE GRAVEL AND INLAND SAND PERMITTING AND SUR-
19 VEILLANCE FUND. THE STATE TREASURER SHALL CREDIT TO THE GRAVEL
20 AND INLAND SAND PERMITTING AND SURVEILLANCE FUND INTEREST AND
21 EARNINGS FROM FUND INVESTMENTS.

22 (3) MONEY IN THE GRAVEL AND INLAND SAND PERMITTING AND SUR-
23 VEILLANCE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN
24 THE GRAVEL AND INLAND SAND PERMITTING AND SURVEILLANCE FUND AND
25 SHALL NOT LAPSE TO THE GENERAL FUND.

26 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE GRAVEL AND
27 INLAND SAND PERMITTING AND SURVEILLANCE FUND, UPON APPROPRIATION,

1 ONLY FOR SURVEILLANCE, MONITORING, ADMINISTRATION, AND
 2 ENFORCEMENT UNDER THIS PART RELATED TO GRAVEL AND INLAND SAND
 3 MINING OPERATIONS AND FOR COMPUTING THE SURVEILLANCE FEE UNDER
 4 SECTION 63103J.

5 SEC. 63109. (1) A PERSON WHO VIOLATES THIS PART, THE RULES
 6 PROMULGATED UNDER THIS PART, OR AN ORDER OF THE DEPARTMENT ISSUED
 7 UNDER THIS PART RELATED TO GRAVEL AND INLAND SAND MINING OPERA-
 8 TIONS OR WHO VIOLATES THE CONDITIONS OF A GRAVEL AND INLAND SAND
 9 MINING PERMIT IS RESPONSIBLE FOR A CIVIL FINE OF NOT MORE THAN
 10 \$5,000.00 PER DAY FOR EACH DAY OF VIOLATION.

11 (2) A FINE COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED
 12 IN THE GRAVEL AND INLAND SAND PERMITTING AND SURVEILLANCE FUND
 13 CREATED IN SECTION 63103K.