

HOUSE BILL No. 5324

December 2, 2003, Introduced by Reps. Casperson, Adamini, Brown, LaJoy, Meyer, Julian, Amos, Walker, Mortimer, Pastor, Huizenga, Emmons, Garfield, Brandenburg and Stahl and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as amended by 1997 PA 149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63101. As used in this part:

2 (a) "Administratively complete" means an application for a
3 mining permit under this part that is determined by the
4 department to satisfy all of the conditions of this part and
5 rules promulgated under this part.

6 (b) "Department" means the department of environmental
7 quality.

8 (c) "Life of the mine" means the period of time from issuance
9 of a permit under this part through the completion of reclamation
10 as required by this part.

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

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

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

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

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

27 (i) "Operator" means a metallic mineral operator or other

1 persons engaged in or preparing to engage in mining operations
2 for the production of mineral products.

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

9 (k) "Supervisor of reclamation" means the state geologist.

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

21 (m) "Tailings basin" means land on which is deposited, by
22 hydraulic or other means, the material that is separated from the
23 mineral product in the beneficiation or treatment of minerals
24 including any surrounding dikes constructed to contain the
25 material.

26 (n) "Underground mining" means the mining of more than 10,000
27 tons of material a year in the regular operation of a business

1 for the purpose of extracting minerals from below the surface of
2 the ground, by means of shafts, tunnels, or other subsurface
3 excavations. Underground mining does not include any of the
4 following:

5 (i) Solution mining by using injection wells or extraction
6 wells, or both.

7 (ii) The creation of an underground storage cavity by using
8 injection wells or extraction wells, or both, for the purpose of
9 subsequent use of the cavity in storage operations.

10 (iii) Underground tunneling or boring for the purpose of
11 placing utility lines, transportation facilities, or other
12 structures.