

HCS HB 246 -- SURFACE MINING AND GRAVEL EXCAVATION (Loehner)

COMMITTEE OF ORIGIN: Committee on Conservation and Natural Resources

This substitute allows a property owner, an operator conducting gravel removal at the request of a property owner, or a political subdivision who contracts with an operator for excavation to remove and sell excess gravel without a permit if the primary purpose for removal is to manage seasonal gravel accretion on property not used primarily for gravel mining. Gravel removal must be performed solely on the property owner's or political subdivision's property and not within a distance to be determined by the Land Reclamation Commission in the Department of Natural Resources of any building, structure, highway, road, bridge, water or sewer line, pipeline or utility line, or viaduct. Property owners and operators must follow the departmental guidelines regarding surface mining and gravel removal.

Property owners are limited to selling less than 3,000 tons of gravel annually with a 1,000 ton per-site limitation and are required to notify the department before any person or operator conducts gravel removal from his or her property if it is intended to be sold commercially. Notification will include the nature of the activity, the county and stream name in which the site is located, and the property owner's name. Any future commercial gravel mining activities at the site will not require the property owner to renotify the department for up to one year. Any operator conducting gravel removal at the request of the property owner who removes more than 3,000 tons of sand and gravel material within a calendar year must have a watershed management practice plan approved by the commission. The application must be accompanied by a fee equal to the fee currently paid for commercial gravel removal as established by the department and must contain the name of the watershed from which the operator will be conducting the removal, the location where the sand and gravel will be removed, and the description of the vehicles and equipment that will be used for the removal.

Any person filing a complaint with the department for an alleged violation of the provisions of the substitute must identify himself or herself by name and telephone number; specify the date and location of the violation; and provide adequate information as determined by the department of the violation. Any records, statements, or communications submitted by any person to the department will be confidential and used solely by the department to investigate the alleged violation.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.