

House Bill 1616

By: Representative Floyd of the 138<sup>th</sup>

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Part 3 of Article 2 of Chapter 4 of Title 12 of the Official Code of Georgia  
2 Annotated, known as the "Georgia Surface Mining Act of 1968," so as to change the  
3 definition of surface mining; to change the provisions relating to borrow pits; to repeal  
4 conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Part 3 of Article 2 of Chapter 4 of Title 12 of the Official Code of Georgia Annotated, known  
8 as the "Georgia Surface Mining Act of 1968," is amended by striking Code Section 12-4-72,  
9 relating to definitions, and inserting in lieu thereof the following:

10 "12-4-72.

11 As used in this part, the term:

12 (1) 'Affected land' means the area of land which has been subjected to surface mining,  
13 or upon which overburden has been deposited, or both; provided, however, 'affected land'  
14 shall not be construed to include land upon which overburden is deposited if, in the  
15 opinion of the division, the disposition of such overburden amounts to reclamation of a  
16 previously mined area.

17 (1.1) 'Borrow pit' means an excavated area where naturally occurring earthen materials  
18 are to be removed for use as ordinary fill at another location.

19 (2) 'Division' means the Environmental Protection Division of the Department of Natural  
20 Resources.

21 (3) 'Government securities' means obligations of the United States or of the State of  
22 Georgia, or any bureau, agency, or authority thereof, which are fully guaranteed as to the  
23 principal and interest by the United States or the State of Georgia.

24 (4) 'Inspector' means any authorized employee of the Environmental Protection Division  
25 who is responsible for the administration or enforcement of this part.

(5) 'Mineral' means clay, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth.

(6) 'Mining land use plan' means an operator's written proposal for accomplishing land use objectives on the affected land. The term shall include, but not be limited to, an operator's plans prior to, during, and following active mining for erosion and sedimentation control, protection of properties on the National Register of Historic Places, grading, disposal of refuse, reclamation and revegetation, and the time of completion of the plan.

(7) 'Mining operator' means any person, firm, partnership, joint venture, association, corporation, municipality, or county engaged in or controlling one or more surface mining operations.

(8) 'Overburden' means all of the earth and other materials which lie above natural deposits of ores or minerals, and includes all earth and other materials disturbed from their natural state in the process of surface mining.

(9) 'Peak' means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(10) 'Pit' means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

(11) 'Reclamation' means the reconditioning or rehabilitation of affected land under an approved mining land use plan

(12) 'Refuse' means all waste material exclusive of overburden directly connected with the mining, cleaning, and preparation of substances mined by surface mining.

(13) 'Ridge' means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(14) 'Spoil bank' means overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(15) 'Surface mining' means any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or for consumption in the regular operation of a business. Tunnels, shafts, borrow pits of less than ~~1.1~~ 3 disturbed acres, and dimension stone quarries shall not be considered to be surface mining."

## SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.