

40-8-5 Authority to enforce chapter -- Coordination of procedures -- Department of Environmental Quality.

- (1)
 - (a) The board and the division have jurisdiction and authority over all persons and property, both public and private, necessary to enforce this chapter.
 - (b) The delegation of authority to a state officer, board, division, commission, or agency to administer a law of this state relating to mined land reclamation is withdrawn and the authority is unqualifiedly conferred upon the board and division as provided in this chapter.
 - (c) Nothing in this chapter affects the right of a landowner, or a public agency having proprietary authority under other provisions of law, to administer lands within the state, to include conditions in a lease, license, bill of sale, deed, right-of-way, permit, contract, or other instrument, if the conditions are consistent with this chapter and the rules adopted under this chapter.
- (2)
 - (a) If federal or local laws or regulations require operators to comply with mined land reclamation procedures separate from those provided for in this chapter, the board and division shall make every effort to have its rules and procedures accepted by the other governing bodies as complying with their respective requirements.
 - (b) The provisions of Subsections (2)(a) and (d) are established to minimize the need for operators and prospective operators to comply with duplicative, overlapping, or conflicting requirements.
 - (c) Nothing in this chapter authorizes a political subdivision of the state to impose a condition or restriction on a mining operation located on state or federal land that is not imposed by a federal or state agency on the mining operation.
 - (d) An ordinance or regulation issued by a political subdivision of the state that is more restrictive than a permit issued under this chapter for a mining operation on state or federal land is unenforceable.
- (3) Nothing in this chapter is intended to abrogate or interfere with the powers or duties of the Department of Environmental Quality.

Amended by Chapter 182, 2011 General Session