

40-10-25 Abandoned mine reclamation program -- Expenditure priorities -- Eligible lands and water -- Requirements for use of funds for reclamation or drainage abatement -- Priority sites -- Effect of release of bond or deposit.

- (1) Grants made to the state by the secretary of the United States Department of Interior for the administration of an abandoned mine reclamation program and money of the Abandoned Mine Reclamation Fund created in Section 40-10-25.1 shall be used by the division in accordance with Sections 40-10-25 through 40-10-28.1.
- (2) The expenditure of money shall reflect the following priorities:
 - (a) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;
 - (b) the protection of public health, safety, and general welfare from adverse effects of coal mining practices;
 - (c) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;
 - (d) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, and recreation and conservation facilities adversely affected by coal mining practices; and
 - (e) the development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation, reclamation purposes, and open space benefits.
- (3) Except as provided in Section 40-10-28.1, lands and water eligible for reclamation or drainage abatement expenditures under this section are those which were mined for coal or affected by coal mining, wastebanks, coal processing, or other coal mining processes and:
 - (a) abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws; or
 - (b) left in an inadequate reclamation status and meet the criteria of Subsection (4)(a) or (b).
- (4) Funds made available under this section may be used for reclamation or drainage abatement at a site referred to in Subsection (3) if:
 - (a)
 - (i) operations occurred on the site during the period beginning August 4, 1977, and ending before January 21, 1981; and
 - (ii) any funds for reclamation or abatement which are available pursuant to a loan or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site; or
 - (b)
 - (i) operations occurred on the site during the period beginning on August 4, 1977, and ending on or before November 5, 1990; and
 - (ii) the surety of the mining operator became insolvent during that period, and as of November 5, 1990, funds immediately available from proceedings relating to the insolvency, or from any financial guarantee or other source, are not sufficient to provide for adequate reclamation or abatement at the site.
- (5) In determining which sites to reclaim, priority shall be given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a local community.
- (6)

- (a) Surface coal mining operations on lands eligible for re-mining will not affect their eligibility for reclamation and restoration under this chapter after the release of the bond or deposit for the operation as provided under Section 40-10-16.
- (b) When a bond or deposit for a surface coal mining operation on lands eligible for re-mining is forfeited, funds available under Section 40-10-25 may be used, if the amount of the bond or deposit is not sufficient to provide for adequate reclamation or abatement.
- (c) Regardless of the requirements of Subsections (6)(a) and (b), the director of the division may expend money under Section 40-10-25.1 for any emergency requiring immediate reclamation.

Amended by Chapter 99, 1997 General Session