

Senate Engrossed House Bill

mine inspector; geological survey; authority

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2685

AN ACT

AMENDING TITLE 27, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 27-112; AMENDING SECTIONS 27-1271 AND 27-1273, ARIZONA
REVISED STATUTES; RELATING TO MINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 27, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 27-112, to read:

4 27-112. Mapping; inventory; aggregate resources

5 A. THE ARIZONA GEOLOGICAL SURVEY SHALL ESTABLISH A MAP AND
6 INVENTORY OF ALL KNOWN AREAS THAT CONTAIN AGGREGATE RESOURCES AND ALL
7 EXISTING AGGREGATE MINING FACILITIES IN THIS STATE ACCORDING TO COUNTY.

8 B. ON REQUEST OF THE STATE MINE INSPECTOR, THE STATE GEOLOGIST
9 SHALL UPDATE THE MAPS AND INVENTORIES OF THE AGGREGATE RESOURCES OF THIS
10 STATE AND INCLUDE AREAS OF AGGREGATE RESOURCES DISCOVERED SINCE THE
11 PREVIOUS PUBLICATION.

12 Sec. 2. Section 27-1271, Arizona Revised Statutes, is amended to
13 read:

14 27-1271. Submission and contents of reclamation plan

15 A. Beginning January 1, 2006, an owner or operator may submit a
16 single reclamation plan that covers multiple aggregate mining units of an
17 aggregate mining facility.

18 B. The proposed reclamation plan shall include:

19 1. The names and addresses of the owner or operator and an
20 individual who will be the regulatory contact.

21 2. A statement that the owner or operator assumes responsibility
22 for the reclamation of surface disturbances that are attributable to the
23 aggregate mining unit consistent with this chapter and the rules adopted
24 pursuant to this chapter.

25 3. The current ownership and use of the land included in the
26 aggregate mining unit.

27 4. The proposed postaggregate mining use of the land.

28 5. A description of the aggregate mining unit and the proposed
29 surface disturbances that will be created.

30 6. The existing and proposed final topography, including the final
31 slopes or configuration of overburden or waste rock stockpiles and fine
32 areas.

33 7. A narrative description of roads that are proposed for the
34 aggregate mining unit.

35 8. The acreage affected by each type of surface disturbance and a
36 map of the aggregate mining unit area showing each surface disturbance.
37 For previously undisturbed areas, the map shall identify any types of fish
38 and wildlife habitats that will be disturbed.

39 9. The proposed reclamation measures that are necessary to achieve
40 the postaggregate mining land use, including information concerning:

41 (a) The measures that will be taken to restrict public access to
42 pits and other surface features that may be a hazard to public safety.

43 (b) The measures that will be taken to address erosion control and
44 stability.

1 (c) The measures that will be taken to address revegetation,
2 conservation and the care and monitoring of revegetated areas as provided
3 in this chapter.

4 (d) For surface disturbances for which the proposed postaggregate
5 mining land use objective is designated as grazing, fish or wildlife
6 habitat, forestry or recreation, the type of wildlife or fish habitat to
7 be encouraged, including measures that will be taken to encourage that
8 type of wildlife or fish habitat, and that those measures will not be
9 incompatible with the fish or wildlife habitat on adjacent lands.

10 10. A proposed tentative schedule for beginning surface disturbances
11 and beginning and completing the reclamation measures.

12 11. The estimated costs to perform each of the proposed reclamation
13 measures for THE purposes of determining financial assurance requirements
14 under article 5 of this chapter.

15 12. THE DISTANCE IN FEET AND THE DIRECTION FROM THE CLOSEST EXISTING
16 OCCUPIED RESIDENTIAL STRUCTURES AND AGGREGATE MINING FACILITY. FOR THE
17 PURPOSES OF THIS PARAGRAPH, THE DISTANCE SHALL BE MEASURED FROM THE
18 EXTERIOR OF THE OCCUPIED RESIDENTIAL STRUCTURE TO THE CLOSEST CREST OF
19 EXCAVATION AND INCLUDES ANY INTERMEDIATE RIGHTS OF WAY BETWEEN THE
20 STRUCTURE AND PROPOSED FACILITY.

21 13. A STATEMENT THAT THE OWNER OR OPERATOR HAS PROVIDED A NOTICE OF
22 THE PROPOSED RECLAMATION PLAN TO EACH RESIDENTIAL PROPERTY OWNER WHOSE
23 PROPERTY IS LOCATED WITHIN A ONE-HALF MILE RADIUS OF THE AGGREGATE MINING
24 OPERATION AS SHOWN ON THE CURRENT PROPERTY TAX ROLL. THE NOTICE SHALL
25 INCLUDE THE NAME AND CONTACT INFORMATION OF THE OWNER OR OPERATOR'S
26 DESIGNATED REPRESENTATIVE WHO WILL RESPOND TO QUESTIONS REGARDING THE
27 PROPOSED RECLAMATION PLAN.

28 Sec. 3. Section 27-1273, Arizona Revised Statutes, is amended to
29 read:

30 27-1273. Approval; criteria

31 A. The ~~state mine~~ inspector shall approve a reclamation plan for
32 aggregate mining units if the plan provides for reclamation measures for
33 surface disturbances that are:

34 1. Necessary to achieve a safe and stable condition suitable for
35 the postaggregate mining land use objectives stated in the reclamation
36 plan.

37 2. Compatible with good engineering practices regarding erosion
38 control and seismic activity for the applicable seismic zone.

39 B. In evaluating the reclamation plan, the inspector shall consider
40 the technical and economic practicability of the proposed reclamation
41 measures, taking into account the site-specific circumstances at the
42 aggregate mining unit and the proposed postaggregate mining land use
43 objectives as stated in the reclamation plan, including:

44 1. Grazing and other agricultural land use objectives.

- 1 2. Developed water resources, water management projects and planned
- 2 and existing underground water storage facilities.
- 3 3. Fish or wildlife habitat.
- 4 4. Forestry.
- 5 5. Historic preservation.
- 6 6. Industrial or commercial uses, including tourism.
- 7 7. Recreational uses.
- 8 8. Residential uses.
- 9 9. Scientific or educational uses.
- 10 10. Aggregate mining or reining, except that the proposed
- 11 postaggregate mining use of aggregate mining or reining does not relieve
- 12 an owner or operator from complying with or implementing the reclamation
- 13 plan requirements under this chapter.
- 14 11. Water course channelization.
- 15 12. Other appropriate postaggregate mining land use objectives.
- 16 C. IN EVALUATING THE RECLAMATION PLAN, THE INSPECTOR MAY CONSIDER
- 17 COMMENTS FROM THE STATE GEOLOGIST OR ANY ELECTED OFFICIAL.
- 18 ~~C.~~ D. The postaggregate mining land use objective stated in the
- 19 reclamation plan need not be the same use of the land that existed before
- 20 the aggregate mining facility was located on the site.