

SENATE BILL No. 591

October 29, 2015, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 63201 (MCL 324.63201), as added by 2004 PA 449,
and by adding part 634.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63201. As used in this part:

2 (a) "Administratively complete" ~~means~~ **DESCRIBES** an application
3 for a mining permit under this part that ~~is determined by the~~
4 ~~department to contain~~ **CONTAINS** all of the documents and information
5 required under this part and any rules promulgated under this part.

6 (b) "Affected area" means an area outside of the mining area
7 where the land surface, surface water, groundwater, or air
8 resources are determined through an environmental impact assessment
9 to be potentially affected by mining operations within the proposed
10 mining area.

1 (c) "Department" means the department of environmental
2 quality.

3 (d) "Emergency management coordinator" means that term as
4 defined in section 2 of the emergency management act, 1976 PA 390,
5 MCL 30.402.

6 (e) "Fund" means the nonferrous metallic mineral surveillance
7 fund created in section 63217.

8 (f) "Metallic product" means a commercially salable mineral
9 produced primarily for its nonferrous metallic mineral content in
10 its final marketable form or state.

11 (g) "Mining", **EXCEPT AS PROVIDED IN SUBDIVISION (H)**, means the
12 excavation or removal of more than 10,000 tons of earth material **IN**
13 a **CALENDAR** year or disturbing more than 1 acre of land **IN** a
14 **CALENDAR** year in the regular operation of a business for the
15 purpose of extracting a nonferrous metallic mineral or minerals by
16 1 or both of the following:

17 (i) Removing the overburden lying above natural deposits of a
18 mineral and excavating directly from the natural deposits thus
19 exposed or by excavating directly from deposits lying exposed in
20 their natural state.

21 (ii) Excavating from below the surface of the ground by means
22 of shafts, tunnels, or other subsurface openings.

23 **(H) MINING DOES NOT INCLUDE AN OPERATION THAT IS SUBJECT TO**
24 **PART 634.**

25 **(I) ~~(h)~~** "Mining area" means an area of land from which earth
26 material is removed in connection with nonferrous metallic mineral
27 mining, the lands on which material from that mining is stored or

1 deposited, the lands on which beneficiating or treatment plants and
2 auxiliary facilities are located, the lands on which the water
3 reservoirs used in the nonferrous metallic mineral mining process
4 are located, and auxiliary lands that are used in connection with
5 the mining.

6 (J) ~~(i)~~—"Mining permit" means a permit issued under this part
7 for conducting nonferrous metallic mineral mining and reclamation
8 operations.

9 (K) ~~(j)~~—"Nonferrous metallic mineral" means any ore or
10 material to be excavated from the natural deposits on or in the
11 earth for its metallic content, but not primarily for its iron or
12 iron mineral content, to be used for commercial or industrial
13 purposes.

14 (L) ~~(k)~~—"Nonferrous metallic mineral operator" or "operator"
15 means a permittee or other person who is engaged in, or who is
16 preparing to engage in, mining operations for nonferrous metallic
17 minerals, whether individually or jointly, or through agents,
18 employees, or contractors.

19 (M) ~~(l)~~—"Permittee" means a person who holds a mining permit.

20 (N) ~~(m)~~—"Postclosure monitoring period" means a period
21 following closure of a nonferrous metallic mineral mine during
22 which the permittee is required to conduct monitoring of
23 groundwater and surface water.

24 (O) ~~(n)~~—"Stockpile" means material, including, but not limited
25 to, surface overburden, rock, or lean ore, that in the process of
26 mining and beneficiation or treatment has been removed from the
27 earth and stored on the surface. Stockpile does not include

1 materials that are being treated in the production of metallic
2 products and the metallic product that has been produced by that
3 operation.

4 (P) ~~(e)~~ "Tailings basin" means land on which is deposited, by
5 hydraulic or other means, the material that is separated from the
6 metallic product in the beneficiation or treatment of minerals
7 ~~including~~ **AND INCLUDES** any surrounding dikes constructed to contain
8 the material.

9 **PART 634**

10 **SMALL NATIVE COPPER MINES**

11 **SEC. 63401. AS USED IN THIS PART:**

12 (A) "ADMINISTRATIVELY COMPLETE" REFERS TO AN APPLICATION FOR A
13 MINING PERMIT UNDER THIS PART THAT INCLUDES THE FEE AND ALL OF THE
14 DOCUMENTS AND OTHER INFORMATION REQUIRED UNDER THIS PART AND ANY
15 RULES PROMULGATED UNDER THIS PART.

16 (B) "CONFORMANCE BOND" MEANS A SURETY BOND THAT HAS BEEN
17 EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
18 STATE, CASH, A CERTIFICATE OF DEPOSIT, A LETTER OF CREDIT, OR OTHER
19 SECURITY FILED BY A PERSON AND ACCEPTED BY THE DEPARTMENT TO ENSURE
20 COMPLIANCE WITH THIS PART OR RULES PROMULGATED UNDER THIS PART.

21 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
22 QUALITY.

23 (D) "FUND" MEANS THE SMALL NATIVE COPPER MINE SURVEILLANCE
24 FUND CREATED IN SECTION 63415.

25 (E) "LIFE OF THE MINE" MEANS THE PERIOD FROM INITIATION OF
26 MINING ACTIVITIES THROUGH THE COMPLETION OF RECLAMATION.

27 (F) "MINE" OR "MINING" MEANS AN OPERATION TO EXCAVATE OR

1 REMOVE EARTH MATERIAL THAT GENERATES NOT LESS THAN 10,000 TONS AND
2 NOT MORE THAN 75,000 TONS OF WASTE ROCK IN A CALENDAR YEAR OR
3 DISTURBS NOT LESS THAN 1 ACRE AND NOT MORE THAN 10 ACRES OF LAND IN
4 A CALENDAR YEAR IN THE REGULAR OPERATION OF A BUSINESS FOR THE
5 PRIMARY PURPOSE OF EXTRACTING NATIVE COPPER BY 1 OR BOTH OF THE
6 FOLLOWING:

7 (i) REMOVING THE OVERBURDEN LYING ABOVE NATURAL DEPOSITS OF
8 NATIVE COPPER AND EXCAVATING DIRECTLY FROM THE NATURAL DEPOSITS
9 THUS EXPOSED OR BY EXCAVATING DIRECTLY FROM DEPOSITS LYING EXPOSED
10 IN THEIR NATURAL STATE.

11 (ii) EXCAVATING FROM BELOW THE SURFACE OF THE GROUND BY MEANS
12 OF SHAFTS, TUNNELS, OR OTHER SUBSURFACE OPENINGS.

13 (G) "MINING ACTIVITY" MEANS ANY OF THE FOLLOWING ACTIVITIES
14 WITHIN A MINING AREA FOR THE PURPOSE OF, OR ASSOCIATED WITH,
15 MINING:

16 (i) CLEARING AND GRADING OF LAND.

17 (ii) DRILLING AND BLASTING.

18 (iii) EXCAVATION OF EARTH MATERIALS TO ACCESS OR REMOVE ORE.

19 (iv) CRUSHING, GRINDING, OR SEPARATION ACTIVITIES.

20 (v) RECLAMATION.

21 (vi) TRANSPORTATION OF OVERBURDEN, WASTE ROCK, ORE, AND
22 TAILINGS WITHIN THE MINING AREA.

23 (vii) STORAGE, RELOCATION, AND DISPOSAL OF OVERBURDEN, WASTE
24 ROCK, ORE, AND TAILINGS WITHIN A MINING AREA, INCLUDING BACKFILLING
25 OF MINED AREAS.

26 (viii) CONSTRUCTION OF WATER IMPOUNDMENT AND DRAINAGE
27 FEATURES.

(ix) CONSTRUCTION OF HAUL ROADS.

(x) CONSTRUCTION OF UTILITIES OR EXTENSION OF EXISTING UTILITIES.

(xi) WITHDRAWAL, TRANSPORTATION, AND DISCHARGE OF WATER IN CONNECTION WITH MINING.

(H) "MINING AREA" MEANS ALL OF THE FOLLOWING:

(i) LAND FROM WHICH MATERIAL IS REMOVED BY SURFACE OR OPEN PIT MINING METHODS.

(ii) LAND ON WHICH ADITS, SHAFTS, OR OTHER OPENINGS BETWEEN THE LAND SURFACE AND UNDERGROUND MINE WORKINGS ARE LOCATED.

(iii) LAND ON WHICH MATERIAL FROM MINING IS DEPOSITED.

(iv) LAND ON WHICH CRUSHING, GRINDING, OR SEPARATION FACILITIES ARE LOCATED.

(v) LAND ON WHICH WATER RESERVOIRS USED IN CONNECTION WITH MINING ARE LOCATED.

(I) "MINING PERMIT" OR "PERMIT" MEANS A PERMIT ISSUED UNDER SECTION 63405 FOR CONDUCTING MINING ACTIVITIES.

(J) "NATIVE COPPER" MEANS COPPER IN ITS ELEMENTAL FORM.

(K) "OPERATOR" MEANS A PERSON THAT IS ENGAGED IN OR PREPARING TO ENGAGE IN MINING ACTIVITIES, WHETHER INDIVIDUALLY OR JOINTLY, OR THROUGH AGENTS, EMPLOYEES, OR CONTRACTORS, AND THAT HAS OVERALL RESPONSIBILITY FOR THE MINING ACTIVITIES.

(L) "PERMITTEE" MEANS A PERSON THAT HOLDS A MINING PERMIT.

(M) "WASTE ROCK" MEANS EARTH MATERIAL THAT IS EXCAVATED DURING MINING, FROM WHICH THE ECONOMICALLY RECOVERABLE NATIVE COPPER HAS BEEN SEPARATED, AND THAT IS STORED ON THE SURFACE FOR 1 YEAR OR MORE. WASTE ROCK DOES NOT INCLUDE EARTH MATERIAL FROM EXCAVATION OR

1 GRADING DONE IN PREPARATION FOR COMMENCEMENT OF MINING.

2 SEC. 63403. (1) THE DEPARTMENT SHALL ADMINISTER AND ENFORCE
3 THIS PART. IN ADDITION TO OTHER POWERS GRANTED TO IT, THE
4 DEPARTMENT MAY PROMULGATE RULES IT CONSIDERS NECESSARY TO CARRY OUT
5 ITS DUTIES UNDER THIS PART.

6 (2) THE DEPARTMENT MAY ENTER AT ANY REASONABLE TIME IN OR UPON
7 A MINING AREA FOR THE PURPOSE OF INSPECTING AND INVESTIGATING
8 CONDITIONS RELATING TO MINING ACTIVITIES.

9 (3) SUBJECT TO SUBSECTION (4), A LOCAL UNIT OF GOVERNMENT
10 SHALL NOT REGULATE OR CONTROL MINING ACTIVITIES THAT ARE SUBJECT TO
11 THIS PART AND DOES NOT HAVE JURISDICTION CONCERNING THE ISSUANCE OF
12 PERMITS FOR THOSE ACTIVITIES.

13 (4) A LOCAL UNIT OF GOVERNMENT MAY ENACT, MAINTAIN, AND
14 ENFORCE ORDINANCES OR REGULATIONS AFFECTING MINING IF THE
15 ORDINANCES OR REGULATIONS DO NOT DUPLICATE, CONTRADICT, OR CONFLICT
16 WITH THIS PART. HOWEVER, THE ORDINANCES OR REGULATIONS SHALL BE
17 REASONABLE IN ACCOMMODATING CUSTOMARY MINING ACTIVITIES.

18 SEC. 63405. (1) A PERSON SHALL NOT ENGAGE IN MINING ACTIVITIES
19 EXCEPT AS AUTHORIZED BY A MINING PERMIT ISSUED BY THE DEPARTMENT. A
20 SEPARATE MINING PERMIT IS REQUIRED FOR EACH MINE.

21 (2) AN APPLICATION FOR A MINING PERMIT SHALL BE SUBMITTED BY
22 THE OPERATOR TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE
23 DEPARTMENT. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

24 (A) A PERMIT APPLICATION FEE OF \$5,000.00. THE DEPARTMENT
25 SHALL FORWARD ALL PERMIT APPLICATION FEES RECEIVED UNDER THIS
26 SECTION TO THE STATE TREASURER FOR DEPOSIT IN THE FUND.

27 (B) PROVISIONS FOR A CONFORMANCE BOND AS DESCRIBED IN SECTION

1 63409.

2 (C) A MINING AND RECLAMATION PLAN AS DESCRIBED IN SUBSECTION
3 (3).

4 (3) THE MINING AND RECLAMATION PLAN REQUIRED IN SUBSECTION (2)
5 SHALL INCLUDE ALL OF THE FOLLOWING:

6 (A) A MAP OR MAPS SHOWING THE LOCATIONS AND DIMENSIONS OF THE
7 FOLLOWING:

8 (i) PROPOSED ADITS, SHAFTS, UNDERGROUND MINE WORKINGS, AND
9 SURFACE PITS.

10 (ii) PROPOSED OVERBURDEN, WASTE ROCK, AND ORE STOCKPILES.

11 (iii) ANY CRUSHING, GRINDING, OR SEPARATION EQUIPMENT THAT
12 WILL BE UTILIZED.

13 (B) A DESCRIPTION OF THE MINING METHODS THAT WILL BE UTILIZED.

14 (C) PLANS AND DESCRIPTIONS OF MEASURES THAT WILL MINIMIZE SOIL
15 EROSION AND SEDIMENTATION DURING MINING ACTIVITIES.

16 (D) A MAP AND DESCRIPTION OF FENCING OR OTHER TECHNIQUES TO
17 MINIMIZE PUBLIC SAFETY HAZARDS.

18 (E) PLANS AND SCHEDULES FOR RECLAMATION OF THE MINING AREA
19 FOLLOWING CESSATION OF MINING ACTIVITIES. THE PLANS AND SCHEDULES
20 SHALL PROVIDE FOR GRADING, REVEGETATION, AND STABILIZATION THAT
21 WILL DO ALL OF THE FOLLOWING:

22 (i) MINIMIZE SOIL EROSION AND SEDIMENTATION.

23 (ii) PROTECT PUBLIC SAFETY.

24 (iii) ESTABLISH CONDITIONS THAT PROMOTE FUTURE BENEFICIAL USE
25 AND DO NOT REQUIRE PERPETUAL CARE.

26 (4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION FOR A MINING
27 PERMIT, THE DEPARTMENT SHALL PUBLISH NOTICE OF THE APPLICATION IN A

1 NEWSPAPER OF LOCAL DISTRIBUTION IN THE AREA OF THE PROPOSED MINE
2 AND SHALL POST A COPY OF THE APPLICATION ON ITS WEBSITE.

3 (5) EFFECTIVE 14 DAYS AFTER THE DEPARTMENT RECEIVES AN
4 APPLICATION FOR A MINING PERMIT, THE APPLICATION SHALL BE
5 CONSIDERED TO BE ADMINISTRATIVELY COMPLETE UNLESS THE DEPARTMENT
6 PROCEEDS AS PROVIDED UNDER SUBSECTION (6).

7 (6) IF, BEFORE THE EXPIRATION OF THE 14-DAY PERIOD UNDER
8 SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT THAT THE
9 APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE
10 INFORMATION OR FEE NECESSARY TO MAKE THE APPLICATION
11 ADMINISTRATIVELY COMPLETE, THE RUNNING OF THE 14-DAY PERIOD UNDER
12 SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE
13 DEPARTMENT THE SPECIFIED INFORMATION OR FEE.

14 (7) SUBJECT TO SUBSECTION (8), THE DEPARTMENT SHALL GRANT OR
15 DENY A MINING PERMIT WITHIN 45 DAYS AFTER AN APPLICATION IS
16 CONSIDERED OR DETERMINED TO BE ADMINISTRATIVELY COMPLETE UNDER
17 SUBSECTION (5) OR (6). IF A MINING PERMIT IS DENIED, THE REASONS
18 SHALL BE STATED IN A WRITTEN REPORT TO THE APPLICANT.

19 (8) IF THE DEPARTMENT DETERMINES THAT INFORMATION IN THE
20 APPLICATION IS INSUFFICIENT TO DETERMINE WHETHER A PERMIT MAY BE
21 GRANTED, THE DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION OR
22 CLARIFICATION FROM THE APPLICANT. THE 45-DAY PERIOD UNDER
23 SUBSECTION (7) IS TOLLED UNTIL THE APPLICANT SUBMITS THE REQUESTED
24 INFORMATION.

25 SEC. 63407. (1) A MINING PERMIT IS VALID FOR THE LIFE OF THE
26 MINE. HOWEVER, THE DEPARTMENT MAY REVOKE A PERMIT IF THE PERMITTEE
27 HAS NOT COMMENCED MINING ACTIVITIES COVERED BY THE PERMIT WITHIN 3

1 YEARS AFTER THE DATE OF ISSUANCE OF THE PERMIT.

2 (2) THE DEPARTMENT MAY TERMINATE A MINING PERMIT UPON REQUEST
3 OF THE PERMITTEE IF THE DEPARTMENT DETERMINES THAT THE PERMITTEE
4 HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THIS PART.

5 (3) A MINING PERMIT MAY BE TRANSFERRED WITH APPROVAL OF THE
6 DEPARTMENT. THE PERSON SEEKING TO ACQUIRE THE PERMIT SHALL SUBMIT A
7 REQUEST FOR TRANSFER OF THE PERMIT TO THE DEPARTMENT ON FORMS
8 PROVIDED BY THE DEPARTMENT. THE PERSON ACQUIRING THE PERMIT SHALL
9 ACCEPT THE CONDITIONS OF THE EXISTING PERMIT AND ADHERE TO THE
10 REQUIREMENTS SET FORTH IN THE APPROVED MINING AND RECLAMATION PLAN
11 AND PROVIDE A CONFORMANCE BOND AS SET FORTH IN SECTION 63409.
12 PENDING THE TRANSFER OF THE EXISTING PERMIT, THE PERSON SEEKING TO
13 ACQUIRE THE PERMIT SHALL NOT OPERATE THE MINE.

14 (4) A MINING PERMIT SHALL NOT BE TRANSFERRED TO A PERSON WHO
15 HAS BEEN DETERMINED BY THE DEPARTMENT TO BE IN VIOLATION OF THIS
16 PART, RULES PROMULGATED UNDER THIS PART, OR A CONDITION OF A PERMIT
17 ISSUED UNDER THIS PART, UNTIL THE PERSON ACQUIRING THE PERMIT HAS
18 CORRECTED THE VIOLATION OR THE DEPARTMENT HAS ACCEPTED A COMPLIANCE
19 SCHEDULE AND A WRITTEN AGREEMENT HAS BEEN REACHED TO CORRECT THE
20 VIOLATIONS.

21 (5) IF THE PERMITTEE HAS BEEN NOTIFIED BY THE DEPARTMENT OF A
22 VIOLATION OF THIS PART, RULES PROMULGATED UNDER THIS PART, OR A
23 CONDITION OF THE PERMIT ISSUED UNDER THIS PART AT THE MINING AREA
24 INVOLVED IN THE TRANSFER, THEN THE MINING PERMIT SHALL NOT BE
25 TRANSFERRED TO A PERSON UNTIL THE PERMITTEE HAS COMPLETED THE
26 NECESSARY CORRECTIVE ACTIONS OR THE PERSON ACQUIRING THE PERMIT HAS
27 ENTERED INTO A WRITTEN CONSENT AGREEMENT TO CORRECT THE VIOLATION.

1 (6) A MINING PERMIT MAY BE AMENDED UPON SUBMISSION TO THE
2 DEPARTMENT OF A REQUEST BY THE PERMITTEE. THE DEPARTMENT SHALL
3 DETERMINE WHETHER THE REQUESTED AMENDMENT CONSTITUTES A SIGNIFICANT
4 CHANGE TO THE MINING AND RECLAMATION PLAN. IF THE DEPARTMENT
5 DETERMINES THAT THE REQUESTED AMENDMENT CONSTITUTES A SIGNIFICANT
6 CHANGE, THE DEPARTMENT SHALL SUBMIT THE REQUEST FOR AMENDMENT TO
7 THE SAME REVIEW PROCESS AS PROVIDED FOR A NEW PERMIT APPLICATION IN
8 SECTION 63405(4) TO (8). IF THE DEPARTMENT DETERMINES THAT THE
9 REQUESTED AMENDMENT DOES NOT CONSTITUTE A SIGNIFICANT CHANGE, THE
10 DEPARTMENT SHALL APPROVE THE REQUEST WITHIN 14 DAYS AFTER RECEIVING
11 THE REQUEST.

12 SEC. 63409. (1) FOR EACH MINE, AN OPERATOR SHALL MAINTAIN A
13 CONFORMANCE BOND IN THE AMOUNT OF \$25,000.00 DURING MINING
14 ACTIVITIES AND UNTIL THE DEPARTMENT DETERMINES THAT ALL RECLAMATION
15 HAS BEEN COMPLETED IN COMPLIANCE WITH THE MINING PERMIT.

16 (2) IF AN OPERATOR VIOLATES SUBSECTION (1), THE DEPARTMENT MAY
17 ORDER IMMEDIATE SUSPENSION OF MINING ACTIVITIES, INCLUDING THE
18 REMOVAL OF NATIVE COPPER FROM THE SITE.

19 SEC. 63411. (1) AN OPERATOR SHALL COMPLY WITH ALL OTHER
20 APPLICABLE REQUIREMENTS OF THIS ACT.

21 (2) AN OPERATOR SHALL CONDUCT MINING ACTIVITIES AT A MINING
22 AREA IN CONFORMANCE WITH THE APPROVED MINING AND RECLAMATION PLAN.

23 (3) IF MINING ACTIVITIES ARE SUSPENDED FOR A CONTINUOUS PERIOD
24 EXCEEDING 240 DAYS, THE OPERATOR SHALL MAINTAIN, MONITOR, AND
25 SECURE THE MINING AREA AND SHALL CONDUCT ANY INTERIM SLOPING OR
26 STABILIZING OF SURFACES NECESSARY TO PROTECT THE ENVIRONMENT,
27 NATURAL RESOURCES, OR PUBLIC HEALTH AND SAFETY IN ACCORDANCE WITH

1 THE MINING PERMIT.

2 (4) SUBJECT TO SUBSECTION (5), AN OPERATOR SHALL BEGIN FINAL
3 RECLAMATION OF A MINING AREA WITHIN 3 YEARS AFTER THE DATE OF
4 CESSATION OF OTHER MINING ACTIVITIES AND SHALL COMPLETE RECLAMATION
5 WITHIN THE TIME SET FORTH IN THE MINING AND RECLAMATION PLAN
6 APPROVED BY THE DEPARTMENT.

7 (5) UPON WRITTEN REQUEST OF THE OPERATOR, THE DEPARTMENT MAY
8 APPROVE AN EXTENSION OF TIME TO BEGIN OR COMPLETE FINAL
9 RECLAMATION.

10 (6) COMPLIANCE WITH THIS PART DOES NOT RELIEVE A PERSON OF THE
11 RESPONSIBILITY TO COMPLY WITH ALL OTHER APPLICABLE STATE OR FEDERAL
12 STATUTES OR REGULATIONS.

13 SEC. 63413. (1) FOR PURPOSES OF SURVEILLANCE, MONITORING,
14 ADMINISTRATION, AND ENFORCEMENT OF THIS PART, AN OPERATOR SHALL PAY
15 THE DEPARTMENT BY FEBRUARY 15 EACH YEAR AN OPERATING FEE OF
16 \$5,000.00 FOR EACH MINE WHERE MINING ACTIVITIES WERE ONGOING AS OF
17 DECEMBER 31 OF THE PREVIOUS YEAR. THE FEE IS DUE EACH YEAR UNTIL
18 THE MINING ACTIVITIES CEASE AND THE DEPARTMENT HAS RELEASED THE
19 CONFORMANCE BOND.

20 (2) A PENALTY EQUAL TO 2% OF THE AMOUNT DUE SHALL BE ASSESSED
21 AGAINST THE OPERATOR FOR EACH MONTH OR PART OF A MONTH DURING WHICH
22 AN OPERATING FEE HAS NOT BEEN PAID AFTER THE DUE DATE.

23 (3) THE DEPARTMENT SHALL FORWARD ALL ANNUAL OPERATING FEES AND
24 PENALTIES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR
25 DEPOSIT IN THE FUND.

26 SEC. 63415. (1) THE SMALL NATIVE COPPER MINE SURVEILLANCE FUND
27 IS CREATED WITHIN THE STATE TREASURY.

1 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
2 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
3 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
4 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

5 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
6 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

7 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
8 APPROPRIATION, ONLY FOR SURVEILLANCE, MONITORING, ADMINISTRATION,
9 AND ENFORCEMENT UNDER THIS PART.

10 SEC. 63417. (1) IF THE DEPARTMENT DETERMINES THAT AN OPERATOR
11 HAS FAILED OR NEGLECTED TO PERFORM RECLAMATION IN CONFORMANCE WITH
12 THIS PART OR RULES PROMULGATED UNDER THIS PART, THE DEPARTMENT
13 SHALL GIVE NOTICE OF THIS DETERMINATION, IN WRITING, TO THE
14 OPERATOR AND TO THE SURETY EXECUTING THE CONFORMANCE BOND UNDER
15 SECTION 63409. THE NOTICE OF DETERMINATION MAY BE SERVED UPON THE
16 OPERATOR AND SURETY IN PERSON OR BY REGISTERED MAIL. IF THE
17 OPERATOR OR SURETY FAILS OR NEGLECTS TO PROPERLY COMMENCE THE
18 REQUIRED RECLAMATION WITHIN 90 DAYS AFTER THE DATE OF SERVICE OR
19 MAILING OF THE NOTICE OR FAILS TO PROCEED WITH RECLAMATION AT A
20 RATE THAT WILL CONCLUDE THE RECLAMATION WITHIN THE PERIOD SPECIFIED
21 IN THE MINING AND RECLAMATION PLAN, THE DEPARTMENT MAY ENTER INTO
22 AND UPON ANY PRIVATE OR PUBLIC PROPERTY ON WHICH THE MINING AREA IS
23 LOCATED AND UPON AND ACROSS ANY PRIVATE OR PUBLIC PROPERTY
24 NECESSARY TO REACH THE MINING AREA AND CONDUCT NECESSARY
25 RECLAMATION, AND THE OPERATOR AND SURETY ARE JOINTLY AND SEVERALLY
26 LIABLE FOR ALL EXPENSES INCURRED BY THE DEPARTMENT. THE DEPARTMENT
27 SHALL CERTIFY TO THE OPERATOR AND SURETY THE CLAIM OF THE STATE IN

1 WRITING, LISTING THE ITEMS OF EXPENSE INCURRED IN RECLAMATION. THE
2 CLAIM SHALL BE PAID BY THE OPERATOR OR SURETY WITHIN 30 DAYS, AND
3 IF IT IS NOT PAID WITHIN THAT TIME THE DEPARTMENT MAY BRING SUIT
4 AGAINST THE OPERATOR OR SURETY, JOINTLY OR SEVERALLY, FOR THE
5 COLLECTION OF THE CLAIM IN ANY COURT OF COMPETENT JURISDICTION IN
6 THE COUNTY OF INGHAM.

7 (2) THE DEPARTMENT MAY ORDER IMMEDIATE SUSPENSION OF ANY
8 MINING ACTIVITIES IF THE DEPARTMENT FINDS THAT THERE EXISTS AN
9 EMERGENCY ENDANGERING THE PUBLIC HEALTH AND SAFETY OR AN IMMINENT
10 THREAT TO THE NATURAL RESOURCES OF THE STATE.

11 (3) AN ORDER SUSPENDING MINING ACTIVITIES UNDER SUBSECTION (2)
12 SHALL BE IN EFFECT UNTIL THE ENDANGERMENT TO THE PUBLIC HEALTH AND
13 SAFETY OR THE THREAT TO THE NATURAL RESOURCES HAS BEEN ELIMINATED,
14 BUT NOT MORE THAN 10 DAYS. TO EXTEND THE SUSPENSION BEYOND 10 DAYS,
15 THE DEPARTMENT SHALL ISSUE AN EMERGENCY ORDER TO CONTINUE THE
16 SUSPENSION OF MINING ACTIVITIES AND SHALL SCHEDULE A HEARING AS
17 PROVIDED BY THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
18 MCL 24.201 TO 24.328. THE TOTAL DURATION OF THE SUSPENSION OF
19 ACTIVITIES SHALL NOT BE MORE THAN 30 DAYS.

20 (4) AT THE REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL MAY
21 INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE COUNTY IN WHICH THE
22 MINING AREA IS LOCATED FOR A RESTRAINING ORDER OR INJUNCTION OR
23 OTHER APPROPRIATE REMEDY TO PREVENT OR PRECLUDE A VIOLATION OF THIS
24 PART OR A RULE PROMULGATED UNDER THIS PART.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.