

Kansas Administrative Regulations

Mined-Land Conservation and Reclamation (KDHE)

Article 16.—Reclamation

47-16-1. Eligible lands and water.

(a) Coal mined lands and associated waters shall be eligible for reclamation activities if these conditions are met:

- (1) they were mined or affected by mining processes;
- (2) they were mined before August 3, 1977, and were left or abandoned in an unreclaimed or inadequately reclaimed condition; and
- (3) there is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the state or federal government or a result of bond forfeiture. Bond forfeiture shall render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation.

(b) Lands and water that were mined or affected by mining for minerals and materials other than coal shall be eligible for reclamation activities if all reclamation with respect to abandoned coal mine land and water has been accomplished within the state.

(c) "Left or abandoned in an unreclaimed or inadequately reclaimed condition" means land and water that meet the following conditions:

- (1) were mined or affected by such mining, wastebanks, processing, or other mining processes before August 3, 1977, and on which all mining has ceased;
- (2) continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health and safety of the public; and
- (3) are not subject to any continuing reclamation responsibility under state or federal laws.

(Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; effective May 1, 1983; amended Feb. 11, 1991; amended May 2, 1997.)

***** Authenticated Kansas Administrative Regulation *****