

1 HB547
2 110328-1
3 By Representatives McLaughlin, Taylor, Thomas (E) and Mask
4 RFD: Commerce
5 First Read: 11-FEB-10

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8 SYNOPSIS: The Alabama Department of Environmental
9 Management issues new permits or modifications to
10 existing permits relating to granite or limestone
11 surface mining activities pursuant to the Alabama
12 Water Pollution Control Act (Title 22, Chapter 22,
13 Code of Alabama 1975); the Alabama Environmental
14 Management Act (Title 22, Chapter 22A, Code of
15 Alabama 1975); the Solid Wastes Disposal Act (Title
16 22, Chapter 27, Article 1, Code of Alabama 1975);
17 the Alabama Air Pollution Control Act of 1971
18 (Title 22, Chapter 28, Code of Alabama 1975); and
19 the Hazardous Wastes Management and Minimization
20 Act (Title 22, Chapter 20, Code of Alabama 1975).

21 This bill would require the prior approval
22 of local municipalities and counties affected by a
23 proposed permit or modification to a permit for
24 such mining operations. The bill would establish
25 guidelines for local governments to consider in the
26 approval process, would require notice of and the
27 holding of public hearings, and would provide

1 access to certain information as part of the local
2 approval process.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To add Section 22-22A-5.1 to the Code of Alabama
9 1975, relating to the granting of local approval for granite
10 and limestone surface mining operations prior to the issuance
11 of any permit by the Alabama Department of Environmental
12 Management.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 22-22A-5.1 is added to the Code
15 of Alabama 1975, to read as follows:

16 "§22-22A-5.1.

17 (a) The Alabama Department of Environmental
18 Management shall not issue a new or modified permit under
19 Sections 22-22-9, 22-22A-5, 22-27-7, 22-28-16, or 22-30-12 for
20 any activity relating to the operation of a granite or
21 limestone surface mine unless the operation has received
22 approval by the governing bodies of municipalities and
23 counties affected by the proposed operation. In determining
24 whether to recommend approval of the proposed operation, the
25 governing body shall consider, and make findings on, each of
26 the following:

1 (1) The impact of the proposed operation on local
2 planned or existing roads and on transportation arteries and
3 state primary and secondary roads.

4 (2) Costs and availability of public services,
5 facilities, and improvements required to support a proposed
6 operation and to protect public health, safety, and the
7 environment.

8 (3) The impact of a proposed operation on public
9 health and safety and provisions made to minimize the impact
10 on public health and safety.

11 (4) The social and economic impacts of a proposed
12 operation on the affected community, including changes in
13 property values, and social or community perceptions.

14 (5) The impact of the proposed operation on the
15 prevailing hydrologic balance at the proposed mine site and in
16 offsite areas and on the quality and quantity of water in
17 surface and ground water systems both during and after surface
18 mining operations and during reclamation.

19 (6) The impact of the proposed operation on erosion
20 and siltation, pollution of water, damage to fish or wildlife
21 or their habitat, and public or private property.

22 (7) The impact of the proposed operation on natural
23 water-courses, stream beds, or drainage channels.

24 (8) The impact of blasting associated with the
25 proposed operation on private property, the enjoyment of
26 private property, and property values.

1 (b) Any determination by the municipal or county
2 governing body to recommend approval of a proposed operation
3 shall be made in a public hearing only after public notice and
4 an opportunity for public comment is provided. The governing
5 body shall at a minimum hold at least one public hearing
6 thereon, notice of the time and place of which shall be given
7 by one publication in a newspaper of general circulation in
8 the county or municipality and in the official gazette, if
9 any, of the governing body's jurisdiction. Notice shall be
10 given at least 30 days but not more than 45 days prior to the
11 proposed date of the hearing. Each notice published in
12 compliance with this section shall contain at a minimum a
13 description of the proposed operation to be considered and
14 shall identify a contact person from whom interested persons
15 can obtain additional information. All pertinent documents
16 shall be available for inspection during normal business hours
17 at a location readily accessible to the public.

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.