

HOUSE BILL NO. 1466

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on February 7, 2024)

(Patron Prior to Substitute--Delegate Bloxom)

A BILL to amend and reenact § 45.2-1200 of the Code of Virginia, relating to mineral mines; farm pond  
construction or expansion.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 45.2-1200 of the Code of Virginia is amended and reenacted as follows:**

**§ 45.2-1200. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Disturbed land" means the area from which overburden has been removed in any mining  
operation, plus the area covered by the spoil and refuse, plus any area used in such mining operation,  
including land used for processing, stockpiling, or settling ponds.

"Division" means the Division of Mineral Mining.

"Mineral" means ore, rock, and any other solid homogeneous crystalline chemical element or  
compound that results from the inorganic processes of nature other than coal.

"Mining" means the breaking or disturbing of the surface soil or rock in order to facilitate or  
accomplish the extraction or removal of minerals or any activity constituting all or part of a process for  
the extraction or removal of minerals so as to make them suitable for commercial, industrial, or  
construction use. "Mining" does not include (i) any aspect of deep mining that does not have a significant  
effect on the surface or (ii) excavation or grading when conducted solely in aid of onsite farming or  
construction. Such exemption in clause (ii) shall not be construed to limit a landowner in a one-time  
construction or expansion of a farm pond for agricultural irrigation or provision of water for livestock to  
beneficially reuse the soil or sand, provided that such pond construction or expansion project (a) is a one-  
time activity on that parcel of land, (b) is completed within six months, (c) results in a pond that is less

27 than three acres in total, and (d) has all necessary permits and local approvals in place before such activity  
28 begins. Nothing in this section applies to the mining of coal. "Mining" does not include, and this title,  
29 chapter, or section shall not be construed to apply to, the process of searching, prospecting, exploring, or  
30 investigating for minerals by drilling.

31 "Mining operation" means any area included in an approved plan of operation.

32 "Operator" means any individual, corporation or corporation officer, firm, joint venture,  
33 partnership, business trust, association, or any other group or combination acting as a unit, or any legal  
34 entity that is engaged in mining.

35 "Orphaned lands" means lands disturbed by surface mining of minerals, other than coal operations,  
36 that were not required by law to be reclaimed or that have not been reclaimed.

37 "Overburden" means all of the earth and other materials that lie above a natural deposit of minerals,  
38 ores, rock, or other solid matter and also other materials after removal from their natural deposit in the  
39 process of mining.

40 "Reclamation" means the restoration or conversion of disturbed land to a stable condition that  
41 minimizes or prevents adverse disruption and the injurious effects of such disruption and presents an  
42 opportunity for further productive use if such use is reasonable.

43 "Refuse" means all waste soil, rock, mineral tailings, slimes, and other material directly connected  
44 with the mine or with the cleaning and preparation of substances mined, including all waste material  
45 deposited in the permit area from other sources.

46 "Spoil" means any overburden or other material removed from its natural state in the process of  
47 mining.

48 **2. That the Department of Energy shall update its regulations and guidance documents to reflect**  
49 **the provisions of § 45.2-1200 of the Code of Virginia, as amended by this act.**

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