

West's Code of Georgia Annotated
Title 12. Conservation and Natural Resources (Refs & Annos)
Chapter 4. Mineral Resources and Caves (Refs & Annos)
Article 2. Mining and Drilling (Refs & Annos)
Part 3. Surface Mining (Refs & Annos)

Ga. Code Ann., § 12-4-72

§ 12-4-72. Definitions

Effective: July 1, 2013

Currentness

As used in this part, the term:

(1) “Affected land” means the area of land which has been subjected to surface mining, or upon which overburden has been deposited, or both; provided, however, “affected land” shall not be construed to include land upon which overburden is deposited if, in the opinion of the division, the disposition of such overburden amounts to reclamation of a previously mined area.

(1.1) “Borrow pit” means an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. Such term shall not include excavated areas of fewer than five acres which are incidental to forestry land management and from which no earthen material is removed for sale.

(2) “Division” means the Environmental Protection Division of the Department of Natural Resources.

(3) “Government securities” means obligations of the United States or of the State of Georgia, or any bureau, agency, or authority thereof, which are fully guaranteed as to the principal and interest by the United States or the State of Georgia.

(4) “Inspector” means any authorized employee of the Environmental Protection Division who is responsible for the administration or enforcement of this part.

(5) “Mineral” means clay, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth.

(6) “Mining land use plan” means an operator's written proposal for accomplishing land use objectives on the affected land. The term shall include, but not be limited to, an operator's plans prior to, during, and following active mining for erosion and sedimentation control, protection of properties on the National Register of Historic Places, grading, disposal of refuse, reclamation and revegetation, and the time of completion of the plan.

(7) “Mining operator” means any person, firm, partnership, joint venture, association, corporation, municipality, or county engaged in or controlling one or more surface mining operations.

(8) “Overburden” means all of the earth and other materials which lie above natural deposits of ores or minerals, and includes all earth and other materials disturbed from their natural state in the process of surface mining.

(9) “Peak” means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(10) “Pit” means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

(11) “Reclamation” means the reconditioning or rehabilitation of affected land under an approved mining land use plan.

(12) “Refuse” means all waste material exclusive of overburden directly connected with the mining, cleaning, and preparation of substances mined by surface mining.

(13) “Ridge” means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(14) “Spoil bank” means overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(15) “Surface mining” means any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or for consumption in the regular operation of a business. Tunnels, shafts, borrow pits of less than 1.1 disturbed acres, and dimension stone quarries shall not be considered to be surface mining.

Credits

Laws 1968, p. 9, § 3; Laws 1971, p. 200, §§ 1, 2; Laws 1972, p. 996, §§ 1, 2; Laws 1992, p. 1098, § 1; Laws 1998, p. 168, §§ 1, 2; Laws 2013, Act 183, § 1, eff. July 1, 2013.

Ga. Code Ann., § 12-4-72, GA ST § 12-4-72

The statutes and Constitution are current through legislation passed at the 2021 Regular Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.