

Senate Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 65

SENATE BILL 1260

AN ACT

AMENDING TITLE 27, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 27-1203.01; RELATING TO MINED LAND RECLAMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 27, chapter 6, article 1, Arizona Revised Statutes,
3 is amended by adding section 27-1203.01, to read:
4 27-1203.01. Exemption for limited, intermittent-use projects
5 A. THE REGULATORY AND RECLAMATION PROVISIONS OF THIS CHAPTER DO NOT
6 APPLY TO AN AGGREGATE MINING UNIT THAT IS INTERMITTENTLY USED FOR SPECIFIC
7 GOVERNMENTAL PROJECTS IF IT MEETS ALL OF THE FOLLOWING CONDITIONS:
8 1. THE AGGREGATE MINING UNIT CONSISTS OF:
9 (a) A SURFACE DISTURBANCE OF NOT MORE THAN TWENTY CONTIGUOUS ACRES.
10 (b) A SINGLE PIT OF NOT MORE THAN TEN ACRES.
11 2. THE AGGREGATE MINING UNIT IS SUBJECT TO THE REQUIREMENTS OF THE
12 CLEAN WATER ACT (33 UNITED STATES CODE CHAPTER 26).
13 3. THE DEPTH OF EXCAVATION WILL NOT EXCEED TWENTY-FIVE FEET BELOW THE
14 LOWEST EXISTING SURFACE ELEVATION.
15 4. THE AGGREGATE MATERIAL REMOVED FROM THE EXCAVATION IS USED SOLELY
16 FOR GOVERNMENTAL PROJECTS AND NOT FOR ANY PRIVATE COMMERCIAL PURPOSE.
17 5. AT THE END OF THE SPECIFIC PROJECT USE, THE UNIT WILL BE RECLAIMED
18 IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE OWNER OF THE LAND AND ALL
19 SAFETY CONDITIONS PRESCRIBED BY LAW.
20 B. THIS SECTION DOES NOT SUPERSEDE THE REQUIREMENTS OF A FLOOD CONTROL
21 DISTRICT TO MAINTAIN THE STABILITY AND THE FLOOD CARRYING CAPACITY OF THE
22 FLOODPLAIN.
23 C. THIS SECTION DOES NOT APPLY TO AGGREGATE MINING UNITS THAT ARE
24 WITHIN THE EXTERIOR BOUNDARIES OF AN INCORPORATED CITY OR TOWN OR THAT ARE IN
25 AN UNINCORPORATED AREA OF A COUNTY THAT IS SURROUNDED ON ALL SIDES BY ONE OR
26 MORE INCORPORATED CITIES OR TOWNS.
27 Sec. 2. Emergency
28 This act is an emergency measure that is necessary to preserve the
29 public peace, health or safety and is operative immediately as provided by
30 law.

NOT ENACTED

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 26, 2009,

by the following vote: 34 Ayes,

15 Nays, 11 Not Voting

[Signature]
Speaker of the House
Pro Tempore
[Signature]
Chief Clerk of the House

Passed the Senate June 22, 2009,

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
1st day of July, 2009.

at 8:53 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

July, 2009,

at 9:54 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1260

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 10 day of July, 2009.

at 12:30 o'clock P. M.
[Signature]
Secretary of State