



COALEX STATE INQUIRY REPORT - 30

January 10, 1985

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1525 Sherman Street, 3rd Floor
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TOPIC: LOADING FACILITY/SURFACE MINING OPERATIONS

INQUIRY: Under what circumstances are loading facilities considered a surface coal mining operation, requiring a permit under SMCRA? Has there been any case law interpreting the phrases "at or near" and "in connection with"?

SEARCH RESULTS:

Mrs. Petruska is currently researching the definition of surface coal mining operations/offsite facilities for a significant issue report. She called Mr. Hykan to discuss documents identified that might be applicable. January 7th, the nine Interior Board decisions listed below were forwarded.

WESTERN ENGINEERING, INC., 1 IBSMA 202 (1980).
DRUMMOND COAL, 2 IBSMA 96 (1980).
ROBERTS BROTHERS COAL CO. INC., 2 IBSMA 284 (1980).
REITZ COAL CO., 3 IBSMA 260 (1981).
ROSS TIPPLE CO., 3 IBSMA 322 (1981).
ANN LORENTZ COAL CO., 79 IBLA 34 (1984).
REITZ COAL CO., 83 IBLA 198 (1984).
DEBORD v WATT, IBLA 82-99 (ED Ky 1982).
DEBORD v DINCO, slip op. (1984).

January 9th, a follow-up call was made to see if additional information would be helpful.

The significant issue report on surface coal mining operations/offsite facilities will be forwarded when completed.