



COALEX STATE COMPARISON REPORT - 314

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TOPIC: REGULATION OF NON-COAL ON FEDERAL LANDS

INQUIRY: North Carolina currently exempts non-coal mining operations located on U.S. Department of Agriculture Forest Service lands from complying with state reclamation laws. Do other IMCC-member states allow the same exemption?

SEARCH RESULTS: Seven IMCC-member states were contacted by phone regarding regulation of non-coal mining operations on federal forest service lands in their states: Alabama, Kentucky, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. Of these, only two states, Alabama and South Carolina, exempt non-coal mining operations from the requirement to obtain a state permit and comply with state regulations for reclamation, bonding, etc. Alabama encourages these mining operations to comply with reclamation regulations. South Carolina, at its discretion, may require a non-coal mining operation on federal lands to obtain a permit. The remaining states indicated that state regulations for non-coal mines apply to all operations; the regulations do not differentiate between those operations located on state lands versus those on federal lands.

Specific state responses to the survey are attached.

Survey conducted by: Joyce Zweben Scall

TABLE OF RESPONSES

QUESTION: DOES YOUR STATE EXEMPT NON-COAL MINING OPERATIONS LOCATED ON FEDERAL LANDS FROM COMPLYING WITH STATE PERMITTING AND RECLAMATION REQUIREMENTS?

STATE	YES/NO	DETAILS
ALABAMA	YES	Non-coal mining operations located on federal lands are not required to obtain a state permit. Such Operations are



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		not required to meet state reclamation regulations but are encouraged to do so.
KENTUCKY	NO	There is no exemption for non-coal mining operations located on federal lands. All operations follow the same regulations.
PENNSYLVANIA	NO	All non-coal mining operations are required to follow state laws regardless of whether they are Located on state or federal lands.
SOUTH CAROLINA	YES	At the state's discretion, a non-coal mining operator may be required to obtain a permit for mining on federal lands. Prior to 1990, non-coal mining on federal lands was totally exempt from state permitting requirements.
TENNESSEE	NO	All non-coal mining operations are required to follow state laws.
VIRGINIA	NO	The state non-coal regulatory program applies to all such operations regardless of location.
WEST VIRGINIA	NO	There is no exclusion for non-coal mining operations located on federal forest service lands. All non-coal operations are regulated the same under state statutes.