



COALEX STATE COMPARISON REPORT - 343

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TOPIC: PERMITTING OF NONCOAL SURFACE MINING OPERATIONS

INQUIRY: Alabama has been asked to consider a multi-year permit for noncoal surface mining. We interested in determining how other state regulatory programs regulate noncoal surface mining, in particular the length of the permits, renewal of permits and amendments to permits to increase reclamation bond coverage.

SEARCH RESULTS: Fourteen IMCC member states responded to the telephone survey on permit terms, renewals and bonding. Twelve of the responding states followed up the survey with copies of their laws, rules and permit applications. A summary of the telephone survey responses appears below. Copies of the states' regulatory material are attached. Also enclosed statistics from the Survey the IMCC conducted in 1997.

SURVEY RESULTS

ARKANSAS			
1. PERMIT TERM	2. PERMIT RENEWAL	3. PERMIT AMENDMENTS	4. BONDING REQUIREMENTS
Noncoal surface mining permits are issued for 5 years.	Renewal requires a new application.	Permits may be amended. If the revision is minor, no public notice is required; if the revision is major, public notice is required.	Bonding is based on the reclamation plan. Fees vary from \$ 100 - \$ 1000 per acre.



ILLINOIS		
1. PERMIT TERM	2. PERMIT RENEWAL	3. PERMIT AMENDMENTS & 4. BONDING REQUIREMENTS
Noncoal surface mining permits are issued for 3 years. There is a one time permit fee of \$ 100 per acre plus an annual aggregate fee consisting of: (1) \$ 300 operator fee; (2) \$ 100 site fee for every site under a permit; (3) \$ 250 blasting fee for every operation that blasts.	The three year period may be extended one year, depending on how much of the permitted area has been affected (a specific formula is applied). After the 4th year, or if the extension doesn't apply, the area must be repermited.	If the original permit is amended to add acreage, either a rider is added to the original bond or a new bond is written.

INDIANA
1. PERMIT TERM
Permits are issued annually for the 3 noncoal (clay/shale) surface mines in the state.

KENTUCKY			
1. PERMIT TERM	2. PERMIT RENEWAL	3. PERMIT AMENDMENTS	4. BONDING REQUIREMENTS
Noncoal surface mining permits are multi-year. They are issued for 1-5 years. There is a \$ 25 per year "renewal" fee.	When the permit expires, the permittee must reclaim or renew the permit by resubmitting an application.	If the permit is amended to add acreage, the bond also increases.	The amount of bonding required depends on the record of the company applying for the permit. Bonds are not required across-the-board. A temporary operation or a new company with no previous record will require bonding. If bonding is required, the fees run \$ 100 - \$ 500 per acre.



MARYLAND			
1. PERMIT TERM	2. PERMIT RENEWAL	3. PERMIT AMENDMENTS	4. BONDING REQUIREMENTS
Noncoal surface mining permits are issued for 5 years. Annual fees are \$ 12 per acre with a cap of \$ 1000.	Permits are renewable for additional 5 year increments. The renewal process includes updating the original permit application and revising plans to reflect current conditions.	There is a \$ 100 modification fee to modify the permit, e.g., to add acreage. Additional acreage requires additional bonding.	Bond requirements are \$ 1250 per acre.

NEW YORK		
1. PERMIT TERM & 2. PERMIT RENEWAL	3. PERMIT AMENDMENTS	4. BONDING REQUIREMENTS
Noncoal surface mining permit applications require information on the life of the mine and the number of acres that are intended to be mined. The permits are issued on an annual basis and are renewable for a maximum of 5 years. There is no application fee. There is an annual regulatory fee, depending on the amount of acreage affected. This fee is based on a sliding scale of \$ 700 - \$ 2000 and continues until the permitted area is reclaimed.	Permits may be modified by the state regulatory authority or the permittee may request a modification. If the acreage is increased, the bond is increased.	Bonds are assessed at \$ 2500 - \$ 3000 per acre and must be in place before the permit is issued.

OHIO			
1. PERMIT TERM	2. PERMIT RENEWAL	3. PERMIT AMENDMENTS	4. BONDING REQUIREMENTS
Noncoal surface mining permits are issued for 10 years. There is a \$ 250 filing fee. Annual Reports and an annual fee of \$ 250 are required.	Permits may be renewed for an additional 10 years.	Amendments to add acreage require a \$ 250 application fee. Modifications, e.g., changes to the land use plan which does not add acreage, are allowed.	Bonding requirements are based on the number of acres affected.



OKLAHOMA

- A. mining operationNORTH CAROLINA
 - 1. The Mining Act of 1971
 - 2. North Carolina Administrative Code: Title 15 A; Chapter 5
 - 3. Permit application
- B. OHIO
 - 1. Ohio Surface Mine Law
 - 2. Ohio Surface Mine Rules
 - 3. Permit application and other forms & Guidelines for completing the forms
- C. OKLAHOMA
 - 1. Outline of Permitting Requirements
 - 2. Mining Lands Reclamation Act
 - 3. Non-Coal Rules and Regulations
 - 4. Permit application
- D. PENNSYLVANIA
 - 1. Pennsylvania Code: Title 25; Chapter 77
 - 2. Pennsylvania Bulletin: Noncoal rules and regulations (1998)
 - 3. Permit applications and other forms
- E. SOUTH CAROLINA
 - 1. South Carolina Mining Act
 - 2. South Carolina Mining Act Regulations
 - 3. Permit application and other forms
- F. TEXAS
 - 1. Uranium surface mining rules: Chapter 11; Subchapter C
- G. VIRGINIA
 - 1. Mineral Mine Safety Laws of Virginia (1977)
 - 2. Mineral Mining Manual; Laws and Regulations
 - 3. Permit application and other forms
- H. WEST VIRGINIA
 - 1. Laws and Regulations on Surface Mining & Reclamation of Minerals Other Than Coal