

EUGENE F. MOONEY  
SECRETARY

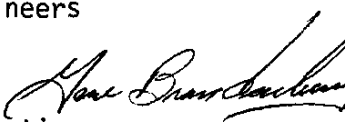


JULIAN M. CARROLL  
GOVERNOR

COMMONWEALTH OF KENTUCKY  
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
BUREAU OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
GENE BRANDENBURG  
COMMISSIONER  
FRANKFORT, KENTUCKY 40601

RECLAMATION ADVISORY MEMORANDUM NO. 10

TO: BSMRE Division Directors and Area Engineers  
Coal Operators and Company Engineers  
Consulting Engineers

FROM: Gene Brandenburg, Commissioner   
Bureau of Surface Mining Reclamation  
and Enforcement

DATE: March 1, 1979

SUBJECT: a) Existing Underground Coal Mines; Time Extension  
for Application for Permit  
b) Supplemental Mine Map Required for Small Operators

a) Time Extension for Existing Underground Mines to File Permit  
Application

Existing underground mines (those which were under construction or producing coal on May 3, 1978, pursuant to a valid license from the Department of Mines and Minerals) are being granted a conditional time extension to June 3, 1979, for making application for a permit.

The granting of this extension applies only to the permitting process and in no way relieves an operator from his responsibility to meet all applicable performance standards which have been in effect for all operations since May 3, 1978.

Area Office personnel of the Division of Operations and Enforcement will be inspecting and issuing non-compliances to all existing underground mining operations which have not obtained a permit or submitted an acceptable application. The non-compliance will state that:

- 1) The existing underground coal mining operation is being conducted illegally, since no permit has been obtained or applied for as required by 405 KAR 3:020, Section 5(1)(a) and 405 KAR 3:050.

March 1, 1979

~~2) The operator must obtain a permit or submit an application for a permit in acceptable form, on or before June 3, 1979.~~

3) The operator must schedule with the appropriate Area Office a preliminary inspection of the mining area within thirty (30) days of the date of the non-compliance.

4) The operator shall provide adequate temporary facilities to insure that applicable performance standards are met, until such time as a permit is obtained and permanent facilities are constructed.

Since February 3, 1979, but before the granting of this conditional extension to June 3, 1979, some non-compliances have been issued to existing underground coal mining operations for conducting operations without having obtained a permit or having applied for a permit. In these cases the central office of the Bureau will provide the cited operator with direct notice of this conditional extension.

If an operator obtains a permit or submits an acceptable application by June 3, 1979, the items of the non-compliance relating to failure to obtain a permit will be abated without penalty. Items of the non-compliance relating to failure to meet performance standards, and failure to provide adequate temporary facilities, will be enforced in a manner consistent with the operator's good faith efforts and degree of success toward compliance.

Operators who have not yet obtained or applied for permits, but have not yet been issued a non-compliance, should not wait to be inspected and cited before applying. The Bureau does not anticipate extension of the filing deadline beyond June 3, 1979, and non-compliances issued after that date for failure to apply will be appropriately enforced.

Operators with questions regarding the administration of the conditional extension should contact the Area Engineer at the appropriate Area Office.

b) Supplemental Mine Map Required for Small Operators

The Federal Register of February 1, 1979 carried final rulemaking by the U.S. Office of Surface Mining regarding the required submission by March 15, 1979, by operators who have conducted operations pursuant to a valid small operator exemption, of maps showing the status of mining operations as of December 31, 1978, or the date of expiration of the individual exemption, whichever came first. For Kentucky operators, one copy of such maps must be submitted to the Knoxville OSM Regional Director and one copy to the appropriate Area Office of this Bureau. The maps must be 1:6000 or larger in scale. Maps at a scale of 1 inch = 400 feet are larger in scale than 1:6000 and are therefore acceptable.

~~The exact wording of the final rulemaking in the February 1, 1979  
Federal Register is repeated below for your information:~~

§ 715.11 General obligations.

\* \* \* \* \*

(c) Mine maps.

(1) \*\*\*

(2) In addition to the requirements of paragraph (c)(1) of this section, any person who conducted surface coal mining and reclamation operations pursuant to a small operator's exemption shall submit before March 15, 1979, two copies of an accurate map of each mine showing the permit area at a scale of 1:6000 or larger. One copy shall be submitted to the state regulatory authority and one copy to the appropriate Regional Director, OSM. The map shall show as of December 31, 1978 or the expiration date of the exemption (whichever is earlier) the lands from which coal had not yet been removed, the lands and structures which had been used or disturbed to facilitate mining, and the lands which had not been disturbed. The map need not be submitted if these areas have already been shown on mine maps submitted to the state regulatory authority, if a copy is available to the appropriate Regional Director pursuant to paragraph (c)(1) of this section or 30 CFR 720.13(b).

Questions regarding the mine map requirement may be directed to the Knoxville OSM Regional Director.