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COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
BUREAU OF SURFACE MINING RECLAMATION AND ENFORCEMENT
ELMORE C. GRIM
COMMISSIONER
FRANKFORT, KENTUCKY 40601

RECLAMATION ADVISORY MEMORANDUM NO. 38

TO: Coal Operators and Company Engineers
Coal Operator Associations
Consulting Engineers
BSMRE Division Directors and Regional Administrators

FROM: Elmore C. Grim, Commissioner *E.C.G.*
Bureau of Surface Mining Reclamation and Enforcement

DATE: June 8, 1982

SUBJECT: Coal Exploration under the Permanent Program

The purpose of this memorandum is to alert people involved in coal exploration operations to new requirements under primacy. For more complete information, see the following regulations:

405 KAR 7:020E Section 1(16) and (114) (definitions)
405 KAR 7:040E Section 7 (general requirements)
405 KAR 8:020E (notice of intent to explore/exploration approvals)
405 KAR 20:010E (performance standards)

Exploration of Less than 250 tons.

Under the permanent program, any person who intends to conduct coal exploration during which less than 250 tons of coal will be removed shall file with the department a written notice of intention to explore. The notice (Form SMP-04, available at the regional offices) must be filed at least 21 days prior to the beginning of exploration. The filing of this notification is normally all that is needed. Although no prior approval of the department is necessary for exploration extracting 250 tons of coal or less unless the area has been designated unsuitable for mining, the department requires written notice in order to advise the public of the exploration and to enable the department to perform inspections as required by law.

Exploration of More than 250 Tons

Any person who intends to conduct coal exploration in which more than 250 tons of coal will be removed shall, prior to conducting the exploration, obtain the written approval of the Director of the Division of Permits in accordance with 405 KAR 8:020E Section 2.

Since removal of more than 250 tons of coal during exploration is seldom necessary, the department expects very few requests for such approval. However, in the rare event that removal of more than 250 tons can be justified, you should contact the Division of Permits, Frankfort, for information about application requirements.

Performance Standards

All coal exploration operations which substantially disturb the natural land surface (even where less than 250 tons of coal is removed) and all such operations which remove more than 250 tons of coal must be conducted in accordance with the coal exploration requirements of KRS Chapter 350, 405 KAR 20:010E, and any conditions of approval for exploration and reclamation imposed by the department. These performance standards apply on and after July 19, 1982.