



Kentucky  
Department for Surface Mining  
Reclamation and Enforcement

# Reclamation Advisory Memorandum

From: Elmore C. Grim, Commissioner

*E. C. Grim*

Date: October 26, 1982

Subject: Newspaper Advertisements

**RAM # 50**

The Department's new permanent program procedures for newspaper advertisements have significantly expanded. In view of the approaching January 18, 1983, deadline for submission of transitioning comprehensive permanent program applications, a full explanation of these procedures along with suggested formats is herein described.

A description of the advertising requirements for blasting and bond release has been included as well as those for permitting requirements.

## PERMITTING

### General

All original applicants are required to advertise the submission of a comprehensive permit application in the newspaper of largest bona fide circulation for each county in which the proposed operation will be located. The listing of these newspapers for the coal-producing counties can be found in any of the instruction manuals for the mining permit applications. This listing was obtained from the Kentucky Press Association (502-223-8821) which should be consulted in the case of questions.

The publisher should insure that the notice is clearly legible and that the heading "Notice of Intention to Mine" is a minimum of ten (10) point, bold face, all capitals type. This heading must appear for all advertisements related to permit applications.

### Schedule

Two-Acre-or-Less Applications and Approval of Permit Transfer Applications only require a single advertisement.

The advertisement for all Originals, Renewals, Major Revisions, and Amendments must be published once a week for four (4) consecutive weeks. The final advertisement of the series must be published after the applicant has received a written notice of application completeness from the Department's Regional Office. The applicant may choose to publish all four (4) advertisements after receiving the notification of completeness. The notification of application completeness should be sent to the applicant within ten (10) working days of his submission of a comprehensive application.

In the event that an application is found administratively incomplete and returned to the operator for corrections, the applicant must be sure that the publication schedule is maintained. It is the applicant's responsibility to insure that all four (4) weekly advertisements are run in consecutive weeks

and that at least the last of these advertisements is published after the notification of administrative completeness. It may be necessary to publish more than four (4) advertisements if the schedule is begun before the receipt of the notice of completeness and the application is found incomplete.

The publication schedule for those comprehensive permit applications which are transitioning from the interim program on or before January 18, 1983 is somewhat different. The applicant must publish four (4) advertisements just as described above, however the department will not be able to notify applicants of completeness within ten (10) days. In fact, the waiting time will be considerably longer. Therefore, to avoid the cost of running advertisements for an undetermined period while waiting for the notification of completeness, the department strongly recommends for transitioning comprehensive permit applications, that publication of the first advertisement be delayed until after the applicant has received his notification of completeness.

#### Submission of Proof

After all four (4) advertisements have been published within the proper schedule, the applicant must submit the proof of publication to the appropriate regional office under separate cover. This submission of proof must be delivered to the Department within fifteen (15) days of the publication of the last advertisement. Proof of publication may be in either of two (2) forms. These are:

- (1) The enclosure of the full page (with newspaper's name and date) on which each advertisement was run. All four (4) advertisements must be submitted and the advertisements themselves should be red-circled.
- (2) Alternately, an affidavit signed by the newspaper's editor or publisher certifying the dates, place and content of all four advertisements.

#### Advertising Formats

The regulations require all advertisements to be "of a form specified by the Department." Copies of the proper form are included in this memorandum. The different types of application formats for advertisements are:

- Comprehensive Surface Mining Application
- Comprehensive Underground Mining Application
- Comprehensive Coal Processing Facility Application
- Applications with Land Use Change
- Applications with Mining Within One-hundred (100) Feet of a Public Road's Right-of-Way
- The Final Advertisement
- Two-Acre or Less Applications
- Revisions to Applications
- Amendments to Applications
- Transfer Permit Applications
- Renewals of Permit Applications

An applicant should be sure to read all sections of this memorandum which are relevant to his type of application.

### Surface Mining Application

The comprehensive Surface Mining Application format which follows is to be used for all but the last of the advertisements. Be sure to consult any other sections of this memorandum which may be relevant to the mining plan.

## NOTICE OF INTENTION TO MINE

Pursuant to Application Number *(no.)*

- (1) In accordance with the provisions of KRS 350.055, notice is hereby given that *(company name and mailing address)* has filed an application for a permit for a surface coal mining and reclamation operation of approximately *(no.)* acres located *(no.)* miles *(direction)* of *(community name)* in *(name)* county.
- (2) The proposed operation is approximately *(no.)* miles *(direction)* from *(road)* junction with *(road)* and located *(no.)* miles *(direction)* of *(nearest stream or landmark)*. The Latitude is *(degree-minute-second)*. The Longitude is *(degree-minute-second)*. The surface area is owned by *(owner's names)*.
- (3) The proposed operation is located on the *(name)* U.S.G.S. 7 1/2 minute quadrangle map. The operation will use the *(either contour, mountain top removal, auger, area, or combination)* method of mining.
- (4) The application has been filed for public inspection at the Department for Surface Mining Reclamation and Enforcement's *(name)* Regional Office. *(Mailing Address)*. Written comments, objections, or requests for a permit conference must be filed with the Director of the Division of Permits, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

An applicant has the option to omit the second paragraph, and in its place provide a map. If a map is used, the area must be of sufficient size, scope, and scale to accurately locate the proposed site for area residents. The map must also include a north point and a map scale.

### Underground Mining Application

The underground mining application format which follows should be used for all but the last of the advertisements for underground mining activities. Be sure to consult any other sections of this memorandum relative to the mining plan.

## NOTICE OF INTENTION TO MINE

Pursuant to Application Number *(no.)*

- (1) In accordance with the provisions of KRS 350.055, notice is hereby given that *(company name and address)* has filed an application for a permit for an underground mining operation. The proposed operation will affect a surface disturbance of *(no.)* acres and will underlie an additional *(no.)* acres located *(no.)* miles *(direction)* of *(community name)* in *(name)* county.
- (2) The proposed operation is approximately *(no.)* miles *(direction)* from *(road)* junction with *(road)* and located *(no.)* miles *(direction)* of *(nearest stream or landmark)*. The Latitude is *(degree-minute-second)*. The Longitude is *(degree-minute-seconds)*.
- (3) The proposed operation is located on the *(name)* U.S.G.S. 7½ minute quadrangle map. The surface area to be disturbed is owned by *(owner's names)*. The operation will underlie land owned by *(owner's names)*.
- (4) The application has been filed for public inspection at the Department for Surface Mining Reclamation and Enforcement's *(name)* Regional Office *(Mailing Address)*. Written comments, objections, or requests for a permit conference must be filed with the Director of the Division of Permits, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

An applicant may choose to omit the second paragraph of the notice, and in its place provide a map. If a map is used, the area must be of sufficient size, scope, and scale to accurately locate the proposed site to area residents. If the map option is used, the map must include a north point and a scale of miles.

### Coal Processing Facilities

If a coal processing facility is being permitted as part of a surface or underground operation site and only one application is being submitted, the third paragraph of the appropriate Notice of Intention to Mine should have this sentence attached:

The operation is to include a (loader, crusher, washer, refuse disposal, etc.) coal processing facility.

If the proposed facility is being permitted separately from any surface or underground operations, the following notice of advertisement is appropriate. Again, be sure to consult any other sections of this memorandum which apply to the proposed operation plan.

## NOTICE OF INTENTION TO MINE

Pursuant to Application Number *(no.)*

(1) In accordance with the provisions of KRS 350.055 notice is hereby given that *(company name and address)* has filed an application for a permit for a *(loader, crusher, washer, refuse disposal, etc.)* coal processing facility affecting *(no.)* acres located *(no.)* miles *(direction)* of *(community name)* in *(name)* county.

(2) The proposed facility is approximately *(no.)* miles *(direction)* from *(road)* junction with *(road)* and located *(no.)* miles *(direction)* of *(nearest stream or landmark)*. The Latitude is *(degree-minute-second)*. The Longitude is *(degree-minute-second)*. The surface area is owned by *(owner's names)*.

(3) The proposed facility is located on the *(name)* U.S.G.S. 7½ minute quadrangle map.

(4) The application has been filed for public inspection at the Department for Surface Mining Reclamation and Enforcement's *(name)* Regional Office *(Mailing Address)*. Written comments, objection or requests for a permit conference must be filed with the Director of the Division of Permits, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Once again, the second paragraph may be omitted and in its place a map of sufficient size, scale, and scope to locate the proposed site may be included. If a map is used, it must include a north point and a scale of miles.

### Applications Proposing Post-Mining Land Use Changes

If a post-mining land use change is intended in any permit application submission, the following sentence must be added to the third paragraph of the advertisement:

The application also includes a proposed land use change from the           (land-use category)           pre-mining land use to a           (land-use category)           post-mining land use.

### Applications Proposing Mining Within 100 Feet of a Public Road's Right-of-Way

Any application which proposes to permit an area within one-hundred (100) feet of the right-of-way of a public road must insert the following sentence at the end of the third paragraph:

The operation will affect an area within 100 feet of public road \_\_\_\_\_ (road) \_\_\_\_\_. The operation \_\_\_\_\_ (will/will not) \_\_\_\_\_ involve relocation of the public road \_\_\_\_\_ (for what period of time, if relocation is involved) \_\_\_\_\_.

#### The Final Advertisement

The final advertisement of the series must include the following sentence at the very end of the Notice:

This is the final advertisement of this application; all comments, objections, or requests for a permit conference must be received within thirty (30) days of today's date.

#### Two-Acre-or-Less Applications

The two-acre-or-less operation uses the exact same Notice of Intention to Mine as larger operations. However, two-acre-or-less operations are only required to run the notice once. Therefore, all two-acre-or-less application notices are final advertisement and must include the final advertisement sentence. This single advertisement must be published not less than ten (10) nor more than thirty (30) days prior to permit submission. Other factors such as mining within one-hundred (100) feet of a public right-of-way may still be applicable.

#### Applications for Revisions

All major revisions require an advertisement schedule exactly the same as that required for an original comprehensive application. This advertisement should follow the same format as an original advertisement of the appropriate type with the following exceptions:

- (1) the words "a major revision to" should be inserted between "has filed" and "an application" in the first sentence of the advertisement; and
- (2) the third paragraph should include a sentence stating the nature of the proposed change.

Minor revisions do not require any advertisements. The Department holds final authority over deciding whether a revision is major or minor.

#### Applications for Amendments

Amendments also require a full schedule of advertisements just as an original application. The Notice should follow the same format as the Notice for an original of the appropriate type with the following exceptions:

- (1) the words "an amendment to" should be inserted between "has filed" and "an application for . . ." in the first sentence of the advertisement; and
- (2) the advertisement should describe the operation as it would appear in its entirety after the amendment.

#### Application for Approval of Permit Transfer

Any transfer applications must be advertised also. This advertisement need only be published once and should be the same as that required for an original of that type except that the first sentence should be changed to read:

In accordance with the provisions of KRS 350, notice is hereby given that (current company name and address) intends to transfer its permit to (new company name and address).

In addition remember that the one advertisement should also bear this insert as the final paragraph:

All comments, objections, or requests for a permit conference must be received within fifteen (15) days of today's date.

#### Applications for Renewals of Permits

All applications for permit renewals must be advertised with a full schedule of advertisements exactly the same as that required for an original application. The advertisement should follow the exact same format except that the words "renewal of" should be inserted between "an application for" and "a permit for a surface . . ." in the first sentence of the advertisement.

#### BLASTING

Anyone engaged in a surface mining operation under the permanent program must publish a blasting schedule at least ten (10) calendar days and not more than thirty (30) calendar days before beginning a blasting program. This blasting schedule should appear in a newspaper of general circulation in the locality of the blasting site. The blasting schedule is more fully described in 405 KAR 16:120, Section 3. The schedule must include:

- (1) Specific identification of the blasting site,
- (2) Dates and time period of detonation,
- (3) Methods of access control,

- (4) Audible warnings and all-clear signal types, and
- (5) A description of any unavoidable hazardous situations.

Any changes to the published blasting schedule must be advertised.

#### BOND RELEASE

Finally, anyone applying for bond release must publish an advertisement in the newspaper of largest bona fide circulation for each county in which the permit is located. The advertisements must run once a week for four (4) consecutive weeks. Proof of publication (by either method provided under Permitting - Submission of Proof) must be submitted to the Department's Regional Office within thirty (30) calendar days after the application for release was filed.

A suggested format for Notice of Bond Release follows:

### NOTICE OF BOND RELEASE

In accordance with the provisions of KRS 350, notice is hereby given that *(company name and address)* intends to apply for bond release on permit number *(no.)* which was last issued on *(date)*. The application covers an area of approximately *(no.)* acres located *(no.)* miles *(direction)* of *(community name)* in *(name)* county.

The permit area is approximately *(no.)* miles *(direction)* from *(road)* junction with *(road)* and located *(no.)* miles *(direction)* of *(nearest stream or landmark)*. The Latitude is *(degree-minute-second)*. The Longitude is *(degree-minute-second)*.

The total bond now in effect for the permit is *(no.)* dollars of which *(no.)* dollars is to be included in this application for release.

Reclamation work performed includes: *(description of results as related to compliance with KRS 350 and 405 KAR and permit conditions and date completed)*.

Written comments, objections, requests for a conference must be filed with the Director of the Division of Field Services, 12th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.