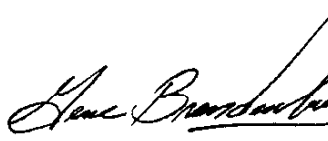




COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
BUREAU OF SURFACE MINING RECLAMATION AND ENFORCEMENT
GENE BRANDENBURG
COMMISSIONER
FRANKFORT, KENTUCKY 40601

RECLAMATION ADVISORY MEMORANDUM 6

TO: All Area Engineers
Underground Coal Operators
Company Engineers
Consulting Engineers

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

SUBJECT: Existing Underground Coal Mines
Application for Surface Disturbance Mining Permit
Time Extension
Non-Compliances

DATE: October 31, 1978

I. Underground Coal Mine Application Form. An application form has been developed specifically for permits for surface operations of underground coal mines. There are now two separate permit application forms - one for surface mines, and one for surface operations of underground coal mines. Both application forms are available at the Frankfort Office and the Area Reclamation Offices. Certain items of the underground form are to be completed only when applying for a new underground mine, or when applying for an existing underground mine which begins new surface operations. These items are not applicable for existing mines which do not begin any new surface operations.

II. New Surface Operations. On September 6, 1978, 405 KAR 3:050, Section 4, was revised to provide less stringent permitting requirements for existing underground mines, except for new surface operations at existing mines. The following is a summary of the requirements for completing the application form for underground mines:

- (a) Applicants for permits for new mines must complete all items in the application form.

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- (b) Applicants for permits for existing mines which propose ~~no new surface operations~~ must complete all items in the application form except Items 25 through 31.
- (c) Applicants for permits for existing mines which propose new surface operations must
1. complete Items 1 through 24, and 32 through 35 for all existing operations, and;
 2. complete Items 25 through 30 for the new surface operations as defined below.

A preliminary, on-site review by the appropriate Area Office must be conducted for all underground mine operations before submittal of an application to the Frankfort Office. The operator should contact the Area Office directly to schedule the on-site review.

A new surface operation is defined as any surface operation that began after September 6, 1978. This includes, but is not limited to, new construction of roads, sediment dams, coal refuse areas, face-up operations and hollow fills. If a surface operation was started prior to September 6, 1978, that operation is not considered a new operation and need not be included in Items 25 through 31 of the application form.

III. Time Extension. 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) have been granted a time extension for filing a permit if a Temporary Authorization for Surface Disturbance was applied for and issued.

Permitting requirements for existing underground mines were not finalized until September 6, 1978. Since this action delayed the design, printing, and distribution of the underground coal mine application form, the Department has extended the filing date until February 3, 1979, for those operations which have been granted a Temporary Authorization for Surface Disturbance. All existing underground mine operations which did not apply for or receive a Temporary Authorization must apply for a permit immediately.

IV. Non-Compliances To Be Issued. Beginning November 4, 1978, the Department will begin issuing notices of non-compliance to existing underground mining operations which did not receive Temporary Authorizations and have not applied for a permit. The non-compliance will be issued for mining without a permit. On February 4, 1979, the Department will begin issuing notices of non-compliance to existing underground mining operations which received Temporary Authorizations and have not applied for permits by February 3, 1979.

These described requirements apply to the permit process ("on paper" requirements) only and in no way relieve an operator from his responsibility to meet all applicable performance standards ("on the ground" requirements) which have been fully in effect for all operations since May 3, 1978.