

ALABAMA SURFACE MINING COMMISSION
ADMINISTRATIVE CODECHAPTER 880-X-8B
SURFACE COAL MINING AND RECLAMATION
OPERATIONS PERMITS AND COAL EXPLORATION
GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS

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880-X-8B-.01 **Scope.** This Part establishes general criteria for permits and permit application requirements.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History:

880-X-8B-.02 **Objectives.** The objectives of this Part are to insure that all surface coal mining and reclamation operations are conducted only under permits issued in accordance with the requirements of the State Regulatory Authority, that all persons make timely application for permits, to provide general requirements on permit fee systems, and to provide the general content requirements of permit application.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History:

880-X-8B-.03 General Requirements For Permits-Operators. On and after eight months from the date on which a regulatory program is approved by the U. S. Secretary of the Interior no person shall engage in or carry out surface coal mining within the State of Alabama unless that person has first obtained a valid permit issued by the State Regulatory Authority. A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has been terminated, revoked, or suspended.

(a) A person conducting surface coal mining operations, under a valid permit issued or amended under the Alabama Surface Mining Reclamation Act of 1975, as amended, may conduct these operations beyond the period prescribed in Rule 880-X-2B-.01 if --

1. Timely and complete application for a permit has been made to the State Regulatory Authority in accordance with the provisions of the Act, this Chapter, and the regulatory program;

2. The State Regulatory Authority has not yet rendered an initial decision with respect to such application; and

3. The operations are conducted in compliance with all terms and conditions of the existing permit, the requirements of the Act, and Chapter 880-X-8 of this Chapter.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History: May 20, 1982. **Amended:** September 18, 1990; effective: August 2, 1991.

880-X-8B-.04 Compliance With Permits. All persons shall conduct surface coal mining and reclamation operations under permits issued pursuant to this Chapter and by the State Regulatory Authority and shall comply with the terms and conditions of the permit and the requirements of the Act and these regulations.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History:**880-X-8B-.05 Permit Application Filing Deadlines.**

(1) Initial implementation of the regulatory program
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(a) Not later than 2 months following the initial approval by the Secretary of the regulatory program regardless of litigation contesting that approval, each person who conducts or expects to conduct surface coal mining and reclamation operations after the expiration of 8 months from that approval shall file an application for a permit for those operations.

(b) Applications for those operations which are not filed within the time required by Paragraph (1)(a) of this Rule shall be deemed applications filed under Paragraph (2)(a) of this Rule.

(2) Filing deadlines after initial implementation of the regulatory program (8 months after program approval).

(a) General. Each person who conducts or expects to conduct new surface coal mining and reclamation operations shall file a complete application for a permit for those operations at least 180 days prior to the desired date of issuance.

(b) Renewal of valid permits. An application for renewal of a permit shall be filed with the Regulatory Authority at least 120 days before the expiration of the permit involved.

(c) Revisions of permits. Any application for revision of a permit shall be filed 90 days before the date of which the permittee expects to revise surface coal mining or reclamation operations.

(d) Succession to rights granted under prior permits. Any application for a new permit required for a person succeeding by transfer, sale, or assignment of rights granted under a permit shall be filed with the Regulatory Authority not later than 30 days after that succession is approved by the Regulatory Authority.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History:

880-X-8B-.06 Permit Applications - General Requirements For Format And Contents.

(1) Applications for permits to conduct surface coal mining and reclamation operations shall be filed in the format required by the State Regulatory Authority. The application shall be complete and include, at a minimum, the following: for surface mining activities, all the applicable information required under Rules 880-X-8D, 880-X-8E, 880-X-8F; for underground mining activities, all the information required under Rules 880-X-8G, 880-X-8H and 880-X-8I; and, for special types of surface coal mining and reclamation operations, all the information required under Rule 880-X-8J.

(2) Information set forth in the application shall be current, presented clearly and concisely, and supported by appropriate reference to technical and other written material available to the State Regulatory Authority.

(3) All technical data submitted in the application shall be accompanied by--

(a) Names of persons or organizations which collected and analyzed such data:

(b) Dates of the collection and analyses; and

(c) Descriptions of methodology used to collect and analyze the data;

(d) Technical analyses shall be planned by or under the direction of a professional qualified in the subject to be analyzed.

(4) The application shall state the name, address, and position of officials of each private or academic research organization or governmental agency consulted by the applicant in preparation of the application for information on land uses, soils, geology, vegetation, fish and wildlife, water quantity and quality, and archaeological, cultural, and historic features.

(5) (a) Maps submitted with applications shall meet the general and specific requirements set out in Rules 880-X-8F-.04, and 880-X-8F-.08.

(b) All maps and plans submitted with the application shall distinguish among each of the phases, during which surface

coal mining operations were or will be conducted at any place within the permit area. At a minimum distinctions shall be clearly shown among those portions of the permit area in which surface coal mining operations occurred --

1. Prior to August 3, 1977;
2. After August 3, 1977, and prior to either --
 - (i) May 3, 1978; or
 - (ii) In the case of an applicant or operator which obtained a small operator's exemption in accordance with 30 CFR 710.12, January 1, 1979.
3. After May 3, 1978 (or January 1, 1979, for persons who received a small operator's exemption) and prior to the approval of the applicable regulatory program.
4. After the estimated date of issuance of a permit by the Regulatory Authority.

Author: Randall C. Johnson

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History: May 20, 1982. **Amended:** November 14, 1989; effective: March 7, 1991.

880-X-8B-.07 Permits Fees.

(1) Each application for a permit, and each application for a permit revision, renewal or transfer and each application for a coal exploration permit shall be accompanied by a non-refundable fee consisting of a basic fee and an acreage fee. Applications for revisions to or transfers of a permit shall not require an additional acreage fee if no new acreage is added to the increment upon which operations are taking place.

(2) The basic fee for a permit application is Five Thousand Dollars(\$5,000.00); the basic fee for a coal exploration permit application is Two Thousand Five Hundred Dollars (\$2,500.00); the basic fee for a permit renewal application is Two Thousand Five Hundred Dollars (\$2,500.00); the basic fee for a permit transfer application is Five Hundred Dollars (\$500.00); the basic fee for a permit revision application involving only an incidental boundary revision is Five Hundred Dollars (\$500.00); the basic fee for a permit revision application involving an insignificant alteration to the mining and reclamation plan is One

Thousand Five Hundred Dollars (\$1,500.00) and the basic fee for a permit revision application involving a significant alteration to the mining and reclamation plan is Three Thousand Dollars (\$3,000.00).

(3) The initial acreage fee shall be Seventy-five Dollars (75.00) per acre for each acre in a permit covered by a performance bond. This initial acreage fee shall be paid prior to the initiation of operations on the permit or on an increment if increments are used. In the case of permit renewals, the initial acreage fee shall be paid on all bonded acreage covered by the renewal.

(4) Upon expiration of a permit, an annual acreage fee of Fifteen Dollars (\$15.00) per acre shall be paid on an annual basis for each acre covered by a performance bond as of October 1st of the year. This annual acreage fee for expired permits shall be paid by December 31st of each year.

(5) The above fee shall be deposited to the Alabama Surface Mining Fund, to be expended by the Commission for the purposes of reviewing, administering, inspecting and enforcing the permit.

Authors: Randall C. Johnson, Johnathan E. Hall

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History: Amended: Filed July 29, 2008; effective September 2, 2008; operative October 1, 2008. **Amended:** Filed August 15, 2017; effective September 30, 2017; operative September 28, 2018.

Ed. Note: The operative date of this rule is subject to review and approval from the U.S. Secretary of the Interior.

880-X-8B-.08 Verification of Application. Applications for permits shall be verified under oath, by a responsible official of the applicant, that the information contained in the application is true and correct to the best of the official's information and belief.

Author:

Statutory Authority: Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83.

History: