

ALABAMA SURFACE MINING COMMISSION  
ADMINISTRATIVE CODE

## CHAPTER 880-X-8G

SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMITS AND COAL  
EXPLORATION UNDERGROUND MINING PERMIT APPLICATIONS - REQUIREMENTS  
FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

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**880-X-8G-.01      Scope.**

This Rule establishes the requirements for the legal, financial, compliance and general information that must be contained in permit applications for underground mining activities.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:****880-X-8G-.02      Objectives.**

The objective of this Rule is to ensure that all relevant information on the ownership and control of persons who conduct underground mining activities, the ownership and control of the property to be affected by the operations, the compliance status

and history of those persons, and other important information is provided in the application to the State Regulatory Authority.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.03      Responsibility.**

It is the responsibility of the permit applicant to provide to the State Regulatory Authority all of the information required by this Rule.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.04      Applicability.**

This Rule applies to any person who applies for a permit to conduct underground mining activities.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.05      Identification Of Interests.**

(1) Each application shall contain the names and addresses of --

(a) The permit applicant, including his or her telephone number;

(b) Every current legal or equitable owner(s) of record (as found in a standard search of chain of title) of the areas to be affected by surface operations and facilities and every current legal or equitable owner of record of the coal to be mined;

(c) The holders of record of any leasehold interest in areas to be affected by surface operations or facilities and the holders of record of any leasehold interest in the coal to be mined;

(d) Any purchaser of record under a real estate contract of areas to be affected by surface operations and facilities and

any purchaser of record under a real estate contract of the coal to be mined;

(e) The operator, if the operator is a person different from the applicant, including his or her telephone number; and

(f) The resident agent of the applicant who will accept service of process, including his or her telephone number.

(2) Each application shall contain any information which has changed from that submitted in the license application or its most recent update.

(3) The application shall contain the name, addresses, telephone number, social security number, and employer identification number of persons who will pay the abandoned mine land reclamation fees except that submission of social security numbers is voluntary.

(4) Each application shall contain the names and addresses of the owners of record of all surface and subsurface (coal) areas contiguous to any part of the proposed permit area.

(5) The Mine Safety and Health Administration (MSHA) numbers for all mine-associated structures that require MSHA approval.

(6) A statement of all lands, interest in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the area described in the permit application. If requested by the applicant, any information required by this paragraph which is not on public file pursuant to State law shall be held in confidence by the Alabama Surface Mining Commission, as provided under Rule 880-X-8K-.05(4)(c)2.

(7) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under 880-X-6A-.06 and paragraphs (1)(a), (1)(e), (1)(f), (2) and (3) of this section.

(8) Each application shall identify the county(s) and any municipalities and their police jurisdictions under which coal will be mined or severed.

(9) The applicant shall submit the information required by this section in a format prescribed by the Alabama Surface Mining Commission and where applicable the U. S. Department of Interior, Office of Surface Mining Reclamation and Enforcement.

**Author:** Randall C. Johnson

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:** May 20, 1982; **Amended:** September 12, 1991; effective: June 10, 1992. **Amended:** Filed: September 21, 1993; effective November 20, 1993.

**880-X-8G-.06      Compliance Information.**

Each application shall contain --

(a) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has --

1. Had a Federal or state mining permit suspended or revoked in the last 5 years; or
2. Forfeited a mining bond or similar security deposited in lieu of bond.

(b) If any such suspension, revocation, or forfeiture has occurred, a statement of the facts involved, including --

1. Identification number and date of issuance of the permit or date and amount of bond or similar security;
2. Identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that action;
3. The current status of the permit, bond, or similar security involved;
4. The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
5. The current status of these proceedings.

(c) For any violation of a provision of 30 USC 1201 et seq., the Act, or of any law, rule or regulation of the United States, or of any state law, rule or regulation enacted pursuant to Federal law, rule or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or

cessation order reported, the lists shall include the following information, as applicable:

1. Any identifying numbers for the operation, including the Federal or state permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing Regulatory Authority, department or agency;
2. A brief description of the particular violation alleged in the notice;
3. The date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in Paragraph (c) of this section to obtain administrative or judicial review of the violations;
4. The current status of the proceedings and of the violation notice; and
5. The actions, if any, taken by any person identified in Paragraph (c) of this section to abate the violation.

(d) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under this section.

(e) The information required by this section shall be submitted in a format prescribed by the Alabama Surface Mining Commission and where applicable, the U. S. Department of Interior, Office of Surface Mining Reclamation and Enforcement.

**Author:** Randall C. Johnson

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:** May 20, 1982; **Amended:** September 12, 1991; effective: June 10, 1992.

#### 880-X-8G-.07

#### Right Of Entry And Operation Information.

(1) Each application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin underground mining activities in the permit area and whether that right is the subject of pending litigation. The description shall identify those documents by type and date of execution,

identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant.

(2) For underground mining activities where the associated surface operations involve the surface mining of coal and the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide, for lands to be affected by those operations within the permit area --

(a) A copy of the written consent of the surface owner to the extraction of coal by surface mining methods; or

(b) A statement of the document of conveyance that expressly grants or reserves the right to extract the coal by surface mining methods.

(3) Nothing In this Rule shall be construed to afford the State Regulatory Authority the authority to adjudicate property title disputes.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.08      Relationship To Areas Designated Unsuitable For Mining.**

(1) Each application shall contain a statement of available information on whether the proposed permit area is within an area designated unsuitable for surface coal mining and reclamation operations under Rule 880-X-7D or under study for designation in an administrative proceeding initiated under that Rule.

(2) If an applicant claims the exemption in Rule 880-X-7C-.05, the application shall contain information supporting the applicant's assertion that they made substantial legal and financial commitments before January 4, 1977, concerning the proposed underground mining activities.

(3) If an applicant proposes to conduct or locate surface operations or facilities within 300 feet of an occupied dwelling, the applications shall include the waiver of the owner of the dwelling as required in Rule 880-X-7B-.07(5).

**Author:** Randall C. Johnson

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

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

**880-X-8G-.09      Permit Term Information.**

(1) Each application shall state the anticipated or actual starting and termination date of each phase of the surface operations and the anticipated number of acres of surface lands to be disturbed.

(2) If the applicant proposes to conduct the underground mining activities in excess of five years, the application shall contain the information needed for the showing required under Rule 880-X-8K-.12(3).

**Author:** Randall C. Johnson

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:** May 20, 1982; **Amended:** Filed: September 21, 1993; effective November 20, 1993.

**880-X-8G-.10      Personal Injury And Property Damage Insurance Information.**

Each application shall contain either a certificate of liability insurance or evidence that the self-insurance requirements in Rule 880-X-9C-.04 are satisfied.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.11      Identification Of Other Licenses And Permits.**

Each application shall contain a list of all other licenses and permits needed by the applicant to conduct the proposed underground mining activities. This list shall identify each license and permit by --

(a) Type of permit or license;

(b) Name and address of issuing authority;

(c) Identification numbers of applications for those permits or licenses or, if issued, the identification numbers of the permits or licenses; and

(d) If a decision has been made, the date of approval or disapproval by each issuing authority.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.12      Identification Of Location Of Public Office For Filing Of Application.**

Each application shall identify, by name and address, the public office approved by the State Regulatory Authority where the applicant will simultaneously file a copy of the application for public inspection under Rule 880-X-8K-.05(4).

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.13      Newspaper Advertisement And Proof Of Publication.**

A copy of the newspaper advertisement of the application and proof of publication of the advertisement shall be filed with the State Regulatory Authority and made a part of the complete application not later than four weeks after the last date of publication required under Rule 880-X-8K-.05(1).

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 73, 74, 75, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 92, 96.

**History:**

**880-X-8G-.14      Facilities or Structures Used in Common.**

The plans of a facility or structure that is to be shared by two or more separately permitted mining operations maybe included in one permit application and referenced in the other applications. In accordance with Chapter 880-X-9, each permittee shall bond the facility or structure unless the permittees sharing it agree to another arrangement for assuming their respective responsibilities. If such agreement is reached, then the application shall include a copy of the agreement between or among the parties setting forth the respective bonding responsibilities of each party for the facility or structure. The agreement shall demonstrate to the satisfaction of the Regulatory Authority that all responsibilities under this chapter for the facility or structure will be met.

**Author:** Randall C. Johnson

**Statutory Authority:** Code of Ala. 1975, §§9-16-71, et seq.

**History:** Original Filed November 14, 1989; effective: March 7, 1991.