



Noncoal Mineral Resources Report

Revised 2013 Edition

A Publication of
The Interstate Mining Compact Commission

Cover Photo Credits:

Our thanks to James Brown of www.hummingbirdminerals.com for granting permission to use the mineral specimen photos on the front cover. Descriptions and origins of the samples are as follows (top to bottom): (1) Tourmaline, Mt. Mica Mine, Oxford County, Maine; (2) Azurite on Malachite, Morenci Mine, Greenlee County, Arizona; (3) Amazonite with Smoky Quartz, Crystal Peak, Park City, Colorado; (4) Galena on Pyrite with Calcite, Buick Mine, Viburnum Trend, Iron County, Missouri; and (5) Orpiment, Twin Creeks Mine, Humboldt County, Nevada.

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Introduction

The Noncoal Section of the Environmental Affairs Committee of the Interstate Mining Compact Commission (IMCC) is responsible for reviewing and recommending activities and programs to the Compact that will enhance the nation's ability to maintain a viable mineral resources base and assist member states in effectively dealing with noncoal mineral resources development and surface and underground mine reclamation. To achieve these purposes, the Committee in 1985 recognized the need to develop an extensive data base that would include information on noncoal mining and reclamation activities from each of the mineral-producing states. As a result, the Committee developed a Noncoal Solid Minerals Questionnaire which was sent to all states. The questionnaire identified individual state laws and regulations, permitting requirements, noncoal minerals mined, reclamation requirements and activities, problems associated with noncoal mining, and areas of state expertise relative to noncoal mining. The questionnaire was revised in 1996 and was sent to all the states for updating and an updated report was published at that time. In 2006 the Committee further revised the questionnaire which was sent to all the states for updating. The results of the 2008 questionnaire, which was completed and returned by 40 states, are summarized in this publication. In August of 2013 twenty-two states submitted revisions and updates to their states' data, and two additional states submitted completed questionnaires to have their information added to the report (see Question 1 for a listing of states represented in the report and indicating those which were added/updated in 2013). Special thanks are extended to those states who took time to fill out and return the questionnaire. We hope that the following information will prove helpful to those who use it.

General Overview and Background Information

The nature and extent of state regulation of noncoal mineral extraction has changed significantly since our last report seven years ago. Several states have amended their regulatory programs to address additional types of mineral extraction. Some states have expanded their programs to encompass new areas of regulation (such as abandoned mine lands) or areas of increased environmental concern (such as the handling of mine waste). Over the course of the past several years, some states have enacted substantial new legislation in the noncoal mineral arena, thereby strengthening their existing environmental protection programs. Overall, the states have continued the trend of identifying and meeting the environmental needs attending the development of the mineral resources within their borders.

The following responses to this new edition of the Noncoal Mineral Resources Questionnaire are presented in chart form and are basically self explanatory. A copy of the questionnaire accompanies this report (Appendix with orange title page) and should be referred to for purposes of locating a specific question and noting how it is phrased. The questions themselves are summarized at the top of each response page. A graphic summary analysis of responses is also included in the final Appendix (yellow title page). Note that the graphic summary is based on the information submitted in 2008 and does not reflect any updates or additions made in 2013.

Should you have any questions regarding the report, or desire additional information, please contact the IMCC office at 703.709.8654. The report will also be made available on our website at: www.imcc.isa.us under the “publications” link.

Section I: State Programs

Question 1: States Responding

The following states submitted questionnaires for inclusion in this report:

Alabama (AL)
Alaska (AK)
Arizona (AZ)
Arkansas (AR) *
California (CA)
Colorado (CO) *
Florida (FL)
Georgia (GA) **
Illinois (IL) *
Indiana (IN) *
Iowa (IA)
Kansas (KS) *
Kentucky (KY) *
Louisiana (LA) *
Maine (ME)
Maryland (MD) *
Michigan (MI)
Minnesota (MN) *
Missouri (MO)
Mississippi (MS) **
Montana (MT)
Nevada (NV)
New Jersey (NJ)
New Mexico (NM) *
New York (NY) *
North Carolina (NC) *
North Dakota (ND)
Ohio (OH)
Oklahoma (OK) *
Oregon (OR)
Pennsylvania (PA) *
South Carolina (SC) *
South Dakota (SD) *
Tennessee (TN) *
Texas (TX) *
Utah (UT) *
Vermont (VT)
Virginia (VA) *
Washington (WA)
Wisconsin (WI)
West Virginia (WV) *
Wyoming (WY) *

* These states submitted updates to their data in August 2013.

** Mississippi and Georgia were not included in the 2008 version of the report. Their questionnaires were submitted and added in August 2013.

Question 2:

Does your state currently regulate the SURFACE MINING of noncoal minerals on:

State	Federal Lands	State Lands	Indian Lands	Private Lands	Other
AL		x	x	x	
AK	x	x	x	x	Municipal
AZ	x	x	x	x	
AR				x	
CA	x	x	x	x	
CO	x	x		x	
FL		x		x	
GA	x	x		x	
IL		x		x	
IN				x	1
IA		x			
KS				x	
KY				x	
LA					Not Regulated
ME	x	x	x	x	
MD		x		x	
MI	x	x	x	x	
MN	x	x	x	x	
MS		x		x	
MO	x	x	x	x	
MT	x	x		x	
NV	x	x		x	
NJ				x	
NM	x	x		x	
NY		x		x	
NC		x		x	2
ND	x	x		x	
OH				x	3
OK		x		x	
OR	x	x		x	
PA	x	x		x	

Question 2, continued

State	Federal Lands	State Lands	Indian Lands	Private Lands	Other
SC	x	x	x	x	
SD	x	x		x	
TN	x	x		x	
TX		x		x	Uranium only
UT	x	x		x	
VT	x	x		x	
VA	x	x	x	x	
WA	x	x		x	
WI	x	x		x	
WV				x	
WY	x	x		x	

¹ IN “Other”: IN does not regulate mining of minerals other than clay/shale.

² NC regulates all surface mining operations except for mining on federal lands under a valid permit from the U.S. Forest Service or the U.S. Bureau of Land Management.

³ In OH, any land that is mined is regulated.

Question 3:

Does your state currently regulate the UNDERGROUND MINING of noncoal minerals on:

State	Federal Lands	State Lands	Indian Lands	Private Lands	Other
AL					
AK	x	x		x	Municipal
AZ	x	x	x	x	
AR					
CA	x	x	x	x	1
CO	x	x		x	
FL					2
GA					N/A
IL					3
IN					4
IA		x			
KS				x	
KY				x	
LA					5
ME	x	x	x	x	
MD				x	6
MI	x	x	x	x	
MN					7
MS					14
MO					8
MT	x	x		x	
NV	x	x		x	
NJ					9
NM	x	x		x	
NY		x		x	
NC					10
ND					
OH					11
OK		x		x	
OR	x	x		x	
PA	x	x		x	12

Question 3, continued					
State	Federal Lands	State Lands	Indian Lands	Private Lands	Other
SC	x	x	x	x	
SD	x	x		x	
TN					¹³
TX					Not regulated.
UT	x	x		x	
VT	x	x		x	
VA	x	x	x	x	
WA	x	x		x	
WI	x	x		x	
WV				x	
WY	x	x		x	

¹ CA: Only the surface disturbance associated with underground mining.

² FL: No underground mines.

³ IL does not regulate underground aggregate mining.

⁴ IN does not regulate mining of minerals other than clay/shale. No underground mining for clay/shale exists in the state.

⁵ LA: Not regulated.

⁶ MD: Surface impacts only.

⁷ MN: No underground mines currently, but we have authority to regulate underground similar to surface mines.

⁸ MO: None, except surface effects of underground mines.

⁹ NJ: There are no working underground mines in New Jersey.

¹⁰ NC does not regulate underground mining, but does regulate surface area if one acre or more is affected.

¹¹ OH: Only safety is regulated underground.

¹² PA has limited regulations for underground mining. The face-up area is permitted as a surface mine with an application section on the underground portion. There is no specific permit for noncoal underground mines.

¹³ TN: Does not regulate underground mining as part of state mining law.

¹⁴ MS: No underground mining in the state.

Question 4, continued

State	Public Health & Safety	Mining Operations	Reclamation	Processing Plants	Loading Facilities	Environmental Controls	Exploration Drilling	Blasting	Other (please specify)
NV	x	x	x	x	x	x	x	x	
NJ	x	x	x	x	x	x	x	x	
NM	x	x	x	x	x	x	x		
NY	x	x	x	x	x	x	x	x	
NC	x	x	x	x	x	x	x ¹	x	
ND	x	x	x	x		x	x		
OH	x	x	x					x	
OK	x	x	x	x	x			x	
OR		x	x	x ²	x	x ²	x		
PA	x	x	x	x	x	x	x	x	³
SC	x	x	x	x	x	x		x	
SD	x	x	x	x	x	x	x	x	
TN		x	x			x	x	x	⁴
TX	x	x	x	x	x	x	x		Uranium only.
UT	x	x	x	x	x	x	x		
VT	x	x	x	x	x	x	x	x	
VA	x	x	x	x ⁵	x	x	x ⁵	x	
WA	x	x	x	x	x	x	x	x	
WI	x	x	x	x	x	x	x	x	
WV	x	x	x	x		x		x	⁶
WY	x	x	x	x	x	x	x	⁷	

¹ NC: Exploration drilling if one acre or more is affected.

² OR: We share responsibility with our DEQ on processing plants and some environmental controls.

³ PA: Other: licensing of operators.

⁴ TN: Mining law covers all except exploration. Test holes over 100 feet deep are covered under Mineral Test Hole Act. Prospecting permit required under mining law.

⁵ VA: Processing plants are regulated if located on the permitted mine site. Exploration drilling = only involving the exploration of uranium.

⁶ WV: Drainage control and water quality.

⁷ WY: We indirectly regulate blasting by requesting operators to discuss blasting to avoid a public nuisance.

⁸ MS: Blasting by special arrangement only.

⁸ GA: Blasting is regulated by the State Fire Marshall's Office.

¹ IL does not regulate underground aggregate mining.

² MI: Brine and solution mining wells.

³ MO: Only the surface effects.

⁴ NC: None unless affected surface area is one or more acres. Then we would regulate only the surface area.

⁵ OR: We share responsibility with our DEQ on processing plants and some environmental controls.

⁶ PA: Licensing of operators (surface mines), mine safety.

⁷ TN: Surface effects covered under NPDES permits.

⁸ VA: Processing plants are regulated if located on the permitted mine site. Exploration drilling = only involving the exploration of uranium.

⁹ WI: Different state agencies regulate different aspects of mining, i.e. the Department of Commerce regulates blasting and mine safety.

¹⁰ WV: Erosion and sediment control and water quality.

¹¹ MS: No underground mining in the state.

Question 6:
Date of legislation establishing your state's regulatory authority:

State	Response
AL	Alabama Surface Mining Act – Effective 10/01/1970
AK	1991
AZ	N/A
AR	Act 821 of 1991 – 3/27/1991 (Open-Cut Operations); Act 1166 of 1997 – 4/8/1997 (Quarry Operations)
CA	Effective January 1, 1976
CO	1973
FL	
GA	1968
IL	January 6, 1976
IN	January 1, 1968
IA	1968
KS	Surface Mining Land Conservation and Reclamation Act, July 1, 1994
KY	February 12, 1995
LA	
ME	P.L. 1969, Chapter 472 Mining Conservation & Rehabilitation Act. Repealed on January 1, 1970 when the Site Location of Development Law, 38 M.R.S.A. Section 481 et. seq. was enacted.
MD	Effective January 1, 1977
MI	Surface mines: 1970; Brine and solution mining: 1967; Nonferrous metallic mineral mines: 2004; Dune sand mines: 1972
MN	1969 taconite/iron ore, peat, non-ferrous
MS	April 15, 1977 surface mining only
MO	August 2001
MT	1971, 1973
NV	Nevada Division of Environmental Protection, 1989 (mining regulations – water pollution control); 1990 Reclamation

State	Response
NJ	1954
NM	1993
NY	1975
NC	1971
ND	1968
OH	1972
OK	June 2, 1971
OR	1972
PA	1971
SC	July 1, 1974
SD	First state laws enacted early 1970's; major recodification 1982; major new rules promulgated 1988 – 10 chapters currently; in 2011, the SD legislature tolled (put on hold/suspended) the in-situ rules; two separate state statutes currently regulate mining (SDCL 45-6B for mine permits and SDCL 45-6 for mine licenses).
TN	1968
TX	Texas Surface Mining and Reclamation Act 1975 (both coal and uranium surface mining). Texas Uranium Surface Mining and Reclamation Act – 1979 (uranium only).
UT	The Utah Mined Land Reclamation Act was passed in 1975. The Act became fully effective on July 1, 1977.
VT	Vermont has a land use development law that includes mining. In Vermont, this law is commonly referred to as Act 250 and it went into effect in 1972. U.S. MSHA regulates mine safety but Vermont does have occupational safety regulations as well but the state as far as known defers to MSHA.
VA	1968
WA	1971
WI	Metallic Mining – 1977; Non-Metallic Mine Reclamation – 11/2000
WV	March 13, 1971
WY	1973

Question 7:

Date(s) of any amendment(s) to legislation establishing your state's regulatory authority:

State	Response
AL	1975 – Separated coal out to another agency; 1997 – Increased the reclamation bond amount from \$150.00 to \$2,500.00 per acre; 1999 – Added fines, setback zones, and required highwall elimination.
AK	None
AZ	N/A
AR	Act 368 of 1993 – 3/5/1993 (Open-Cut); Act 378 of 1993 – 3/5/1993 (Open-Cut); Act 1345 of 1995 – 5/17/1995 (Open-Cut); Act 1320 of 1999 – 4/12/1999 (Quarry); Act 1526 of 1999 – 4/15/1999 (Open-Cut); Act 550 of 2001 – 3/5/2001 (Open-Cut); Act 855 of 2005 – 3/15/2005 (Open-Cut); Act 609 of 2011 – 8/2011 (Open-Cut); Act 1020 of 2013 – 8/2013 (Open-Cut).
CA	Adopted 1980 to incorporate implementing regulations and amended several times since.
CO	Legislature – The Colorado Open Mining Land Reclamation Act of 1973. Expanded the mining to be regulated to include deposits of limestone, sand, gravel and quarry aggregate in addition to coal. The law applied only to surface mining activities. 1976 – The Legislature passed the first comprehensive reclamation law which applied to all mining in the state “Colorado Mined Land Reclamation Act.” The law applied to all mining activities. Amended throughout the years. Last major amendments were in 1993 with the new designated mining operation.
FL	
GA	1998, 2013
IL	July 1, 1995
IN	February 18, 1974; May 3, 1977.
IA	1973 and 1985
KS	Regulations, June 19, 1995. 11-8-8 amended September 27, 1996.
KY	August 26, 2004
LA	
ME	In October of 1993, Public Law 1993 Chapter 350 took effect establishing a new program for regulating “medium-size” gravel pits. Gravel pits between 5 and 30 acres are exempt from the Site Location of Development Law if the owners or operators file notice with DEP and comply with the performance standards established in that law. This performance-based process is relatively simple and emphasizes technical assistance and compliance review by the Department rather than a full application review process. In April, 1996, as part of the Site Law Reform Proposal, the legislature created a new program for regulating gravel mining larger than 30 acres, topsoil, clay, silt, and quarries. The new program was based on the recommendations of the Land and Water Resources Council. This law (P.L. 1996 ch 700) removed the regulation of these commodities from the Site Law and placed them into a performance-based registration system.

State	Response
MD	Minor revisions for issues such as fees and bonds. Significant amendment in 1994 establishing zone of influence for quarries in karst areas.
MI	1995, 1997, 2004
MN	1973, 1976, and 2013
MS	1992
MO	Hopefully this year (2007). Also August 2005.
MT	Numerous amendments
NV	Various
NJ	1971, 1973, 1981
NM	
NY	1991
NC	1973, 1977, 1979, 1981, 1987, 1989, 1991, 1993, 1997, 2000, 2007
ND	
OH	2002
OK	
OR	Some amount of statutory change occurs each legislative session.
PA	1984
SC	1985, 1990, 1997, 2004

State	Response
SD	<p>There have been a number of changes made to the mine permit law through legislation since it was enacted in 1982. These changes are: 1983 – Places construction aggregate (sand and gravel) mining under a separate law (SDCL 45-6) and establishes mine licensing procedures. 1987 – Authorizes the Board of Minerals and Environment to promulgate rules for surface mining and reclamation, establishes requirements for socioeconomic studies for new mines, clarifies local controls over mining, revises reclamation bond requirements, and specifies reclamation plan development requirements. 1988 – Specifies mine permit amendment fees, mine permit transfer requirements, and staff processing times. 1989 – Requires a Cumulative Environmental Evaluation of large scale precious metal surface mines in the Black Hills, requires small scale mines using cyanide to comply with large scale permit requirements, requires operators of open pit surface gold mines using cyanide to pay a fee of two cents per pound of cyanide used to the Groundwater Research and Education Fund for a period of five years, require operators of large scale gold mines that use cyanide to post up to \$500,000 in financial assurance to be used in the event of a spill, and authorizes the Board of Minerals and Environment to promulgate rules for the designation of special, exceptional, critical, or unique lands. 1992 – Places a 6,000 acre limit on the total amount of land that can be affected by large scale gold mines at any one time, requires 500 acres of surface mining disturbed land be reclaimed by September 1, 1997, requires permit applicants to comprehensively describe critical resources potentially affected as part of a mine permit application, requires postclosure care and bonding for reclaimed mines, establishes annual reporting requirements for large scale gold mining operations, and limits large scale surface gold mines to a maximum size of 320 acres and limits expansion of existing mines up to 200 acres. 1993 – Places mining of pegmatite minerals and limestone, gypsum, sand, shale and iron ore used in the process of making cement under mine licenses and requires the department of Environment and Natural Resources, in conjunction with the South Dakota School and Public Lands, to prepare an inventory of abandoned mines in the Black Hills. 1995 – Bans new surface mining permits on private land from rim to rim in Spearfish Canyon. 1996 – Places minerals extracted and sold from lake dredging operations under mine licenses. 1997 – Places the mining of pozzolan under mine licenses. 2005 – Abandoned mined land inventory laws repealed. 2006 – Authorizes the Board of Minerals and Environment to promulgate rules for in-situ leach mining operations. 2008 – New rules for in-situ uranium mining approved by Board of Minerals and Environment. 2011 – In-situ leach mining rules tolled (put on hold, suspended) by SD Legislature.</p>
TN	1972, 1974, 1975, 1980, 1984
TX	See submitted legislative history.
UT	The Act was passed into law in 1975. The Law was subsequently amended in 1983, 1987, 1989, 1995, 2002, 2003 and 2011.
VT	
VA	Multiple dates after 1968
WA	
WI	Metallic Mining – amended in 1995; Non-Metallic Mine Reclamation – revised 11/2006
WV	June 8, 2000
WY	

Question 8:
Has your state ever regulated the mining of noncoal minerals?

State	Yes	No
AL	x	
AK	x	
AZ	x	
AR	x	
CA	x	
CO	x	
FL	x	
GA	x	
IL	x	
IN	x	
IA	x	
KS	x	
KY	x	
LA	x	
ME	x	
MD	x	
MI	x	
MN	x	
MS	x	
MO	x	
MT	x	
NV	x	
NJ	x	
NM		
NY	x	
NC	x	
ND	x	
OH	x	
OK	x	
OR	x	
PA	x	

State	Yes	No
SC	x	
SD	x	
TN	x	
TX	x (Uranium only)	
UT	x	
VT	x	
VA	x	
WA	x	
WI	x	
WV	x	
WY	x	

Question 9:

If you do not currently regulate the mining of noncoal minerals, but have in the past:

State	When was the law in place?	When was the law repealed?
LA *	1992	1993

* Louisiana was the only state of those who responded which once regulated mining and later had the law repealed.

Question 10:

Source(s) of Operating Fund (Check Applicable Source(s))

State	General Revenue	Operator Fees (Permit Fees)	Fines, Penalties	Federal Funding	Special Taxes (Severance, etc.)	Other (Please Specify Type(s) of Special Taxes, If Applicable, and Any Other Source(s) of Operating Fund Not Listed):
AL	x		x			Operator fees are sent to general fund.
AK	x	x	x			Rents
AZ	x					Publication sales; special services; museum gift sales
AR	x	x				
CA		x	x			Operator Fees = Annual Reporting Fees; Special Taxes = \$5/oz. Gold and \$.10/oz. Silver; Moneys from mining activities on federal lands disbursed by the United States each fiscal year to the state pursuant to Section 35 of the Mineral Lands Leasing Act, as amended (30 U.S.C. Sec. 191)
CO		x			x	
FL					x	
GA	x					
IL	x	x	x			
IN	x					
IA	x	x	x			
KS		x				
KY	x					
LA						
ME		x			x	If metallic mineral mining occurs on state lands there is a severance tax applied.
MD			x			
MI		x				

State	General Revenue	Operator Fees (Permit Fees)	Fines, Penalties	Federal Funding	Special Taxes (Severance, etc.)	Other (Please Specify Type(s) of Special Taxes, If Applicable, and Any Other Source(s) of Operating Fund Not Listed):
MN	x	x				Royalty
MS	x	x		x		MSHA training fees
MO		x				
MT	x			x	x	Resource Indemnity Trust
NV		x				
NJ	x	x	x	x		
NM	x	x	x	x		
NY		x				
NC	x	x				
ND	x					
OH	x	x	x		x	
OK	x	x				Production fees are in place for tonnage of material produced.
OR		x				
PA		x	x			
SC	x	x				
SD	x	x		x		Fines and penalties are deposited in a special account to address emergency clean ups (Regulated Substance Response Fund). Severance tax on precious metals goes to general fund. Severance tax on energy minerals including uranium, coal, and oil and gas – ½ of the tax goes to the county in which the production occurred, 1/6 goes to the Impact Fund, and 1/3 goes to the general fund. Federal funding for federally delegated program only.

State	General Revenue	Operator Fees (Permit Fees)	Fines, Penalties	Federal Funding	Special Taxes (Severance, etc.)	Other (Please Specify Type(s) of Special Taxes, If Applicable, and Any Other Source(s) of Operating Fund Not Listed):
TN	x		x			
TX	x	x				
UT	x	x				
VT	x	x				
VA	x	x		x		
WA		x				
WI	x	x				
WV	x	x	x			Interest on Bond Pooling Fund and penalties go to Abandoned Quarry Reclamation Fund.
WY	x					

Section II: Regulatory Framework

**Question 11:
Have you promulgated SURFACE MINING regulations for noncoal minerals?**

State	Yes	No	If "yes", when?
AL	x		October 1, 1970
AK	x		1991
AZ			The Department of Mines and Mineral Resources does not regulate. That authority rests with the State Mine Inspector.
AR	x		The initial version of Regulation No. 15 was promulgated in 1992. There have been revisions in 1996, 2000, 2002, 2006, 2012, and 2013 (pending as of 8/2013).
CA	x		1980
CO	x		
FL		x	
GA	x		Published in the "Official Code of Georgia"
IL	x		January 6, 1976
IN			Law passed in 1968. "Guidelines" approved July 1, 1972.
IA	x		1988
KS		x	
KY	x		February 12, 1995; Last update August 26,2004.
LA			
ME	x		August, 1991, promulgated Metallic Mineral Rules, Chapter 200. This rule establishes requirements for exploration, advanced exploration and mining of metallic minerals.
MD	x		1989
MI	x		1976; 2006
MN	x		Rules: 1980 ferrous rules for reclamation; 1993 nonferrous rules for reclamation; 1985 peat rules; counties regulate aggregate/clay/rock quarries.
MS	x		April 15, 1977
MO	x		2002
MT	x		1971, 1973
NV	x		1989, 1990
NJ	x		February 15, 1960
NM	x		1994
NY	x		1978
NC	x		1971

State	Yes	No	If “yes”, when?
ND	x		
OH	x		1972
OK	x		1983, updated each year
OR	x		1972
PA	x		1973, 1990
SC	x		1992
SD	x		Major new rules promulgated in 1988; regulations for in-situ leach mining currently being promulgated.
TN	x		Concurrent with law
TX	x		1976
UT	x		Rules were effective November 1, 1988 and were last amended in 2012.
VT		x	
VA	x		1968, 2003 and were last updated July 2013.
WA	x		1971
WI	x		WI law does not differentiate between surface and underground mining – 1997.
WV	x		Originally promulgated in 1972, most recently revised on August 1, 2001.
WY	x		1975

Question 12:
For SURFACE MINING do you require a PERMIT?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL	x		1 year duration; renewable annually; it is transferable
AK	x		Ranges from 1 to 5 years. Permits are both renewable and transferable.
AZ			
AR	x		Open-Cut permits are for a maximum of 5 years and there is no limit to renewals. Quarry operations do not receive a permit. They submit a Notification of Intent to Quarry and receive an Unconditional Authorization to Quarry for 5 years.
CA	x		Duration varies. It is renewable and transferable.
CO	x		
FL	x		There is no mining permit. Several permits are required from various state, regional and local agencies for the different activities that occur at a mine.
GA	x		Duration for the life of the operation, updated plans may be required at the discretion of the Unit Coordinator. Not renewable or transferable.
IL	x		Only on operations that affect more than 10 acres in a fiscal year (July 1 - June 30) or more than 10 feet of overburden in the area of mining. Permits are for 10 years and are transferable.
IN	x		Annual permits for clay/shale operations
IA	x		In effect until reclaimed; renewal annually; is transferable
KS		x	
KY	x		5 year term with right of renewal. It may be transferred.
LA			
ME	x		For metallic mineral mining, the term of the permit is 5 years. The permit is renewable and may be transferred. All other mining permits (quarry, sand & gravel) are for the life of the operation.
MD	x		5 year permit with renewal options. May be transferred with consent.
MI	x		Permits are required for metallic mineral mines and dune sand mines. Metallic mineral permits are effective for life of mine, including reclamation; dune sand permits are effective for up to five years, including reclamation, and are renewed if mine is in compliance. All permits may be transferred, subject to conditions.
MN	x		Life of the mine, including closure and post-closure (i.e. maintenance).
MS	x		5 years; renewable with no limit to number of times; transferable.
MO	x		Duration variable, up to 100 years
MT	x		Permanent if in compliance; transferable
NV	x		
NJ	x		One year; renewable yearly; it is not transferable

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
NM	x		New Mine Permit = 20 years; Existing Mine Permit = indefinite; Renewable every 5 years; permit is transferable
NY	x		Issued for terms of one to five years. Permits are renewable for an indefinite amount of time. Permits are transferable.
NC	x		Renewable within two years prior to permit expiration date. Permits are transferable under certain conditions.
ND	x		
OH	x		Permits issued before 3/15/2002 were good for 10 years and were renewable. Permits after that date are issued for 15 years and are renewable. Permits are transferable.
OK	x		For the life expectancy of the mine but must be reviewed on an annual basis
OR	x		
PA	x		No expiration date (not renewed); Is transferable
SC	x		Life of mine permit – permit is valid as long as a mineable resource is present; Mining Permit is transferable
SD	x		A mine permit covers the mining of minerals not covered under a mine license. A mine permit lasts for the life of the operation so it does not need to be renewed. However, the permit holder is required to submit a yearly fee and annual report. A mine permit can be transferred.
TN	x		1-5 years; renewable indefinitely; transferable
TX	x		
UT	x		The mining permit is in effect for the life of the mine. It is transferable.
VT	x		
VA	x		The permit is in effect for 1 year and is renewable and transferable.
WA	x		Good until reclaimed and closed
WI	x		Metallic mining permit is in force for the duration of the project, reclamation and long-term care period. None required for nonmetallic mines.
WV	x		Issued for five years; Renewable for five year increments
WY	x		It is for the duration of the mining activity. There is no renewal requirement although we may require a revision and it is transferable.

**Question 13:
For SURFACE MINING do you require a LICENSE?**

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL		x	
AK	x		1 year, renewable and transferable
AZ			
AR		x	
CA		x	
CO		x	
FL	x		Business license
GA		x	
IL		x	
IN		x	
IA	x		1 year; renewable annually; NOT transferable
KS	x		One year; renewable each year by December 1; non transferable
KY		x	
LA			
ME	x		The Department uses the term permit and license interchangeably.
MD	x		Renewal annual. Not transferrable.
MI		x	
MN		x	
MS		x	
MO		x	
MT		x	
NV		x	License is the same as a permit
NJ		x	
NM		x	
NY		x	
NC		x	
ND		x	
OH		x	
OK		x	
OR		x	

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
PA	x		1 year renewable; not transferable
SC		x	
SD	x		A mine license covers the mining of sand and gravel, pegmatite minerals, or for limestone, iron ore, sand, gypsum, or shale used in the process of making cement or lime. Mine licenses are good for one year and can be renewed annually by submitting a fee and annual report. Mine licenses can be transferred.
TN		x	
TX		x	
UT		x	
VT		x	
VA	x		The license is in effect for 1 year and is renewable, but not transferable.
WA			
WI	x		Yes, for any tailings disposal area at a metallic mine. None required for nonmetallic mines.
WV		x	
WY	x		It is for the duration of the mining and it is not transferable. There are no requirement provisions for a renewal although we may require revisions. We allow more than one license and the permittee may request we terminate a license.

Question 14:
For SURFACE MINING do you require a RECLAMATION PLAN?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL	x		
AK	x		Renewable and transferable
AZ			
AR	x		A reclamation plan is renewable and can be modified at any time during a permit term.
CA	x		Duration varies. It can be extended; transferable.
CO	x		
FL			Some mines must provide a plan. Most mines do not provide a plan. The plan has no expiration.
GA	x		Reclamation is to be concurrent with mining; is the final phase. Not renewable or transferable. May be changed by amendment.
IL	x		Only when a permit is required. Not renewable and is transferable.
IN	x		The plan is both renewable and transferable. The plan exists for the life of the mine.
IA		x	
KS	x		Duration varies; renewable; transferable
KY	x		A 5 year term with right of renewal. It may be transferred. Contemporaneous reclamation is dependent on mine type – 90 days for contour and 180 days for pit.
LA			
ME	x		Metallic mineral mining – 5 years. The reclamation plan is a component of the overall metallic mining permit. For other types of mining, the performance standards for reclamation are statutory and a separate reclamation plan is not required.
MD	x		Part of permit.
MI	x		Effective for life of mine and through reclamation
MN	x		Life of mine and through reclamation; transferable upon request and approval.
MS	x		Same as permit (5 years; renewable with no limit to number of times; transferable)
MO	x		Filed with permit, same terms
MT	x		See #13
NV	x		
NJ		x	
NM	x		
NY	x		All types of mining require a permit. Each permit consists of a Mined Land Use Plan (MLUP) which consists of a mining plan (graphic and narrative) and a reclamation plan (graphic and narrative). Each MLUP must be approved and become part of the permit. All permits are renewable and transferable.

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
NC	x		Renewable within two years prior to permit expiration date. Permits are transferable under certain conditions. Reclamation plans are part of permit application.
ND	x		
OH	x		Permits issued before 3/15/2002 were good for 10 years and were renewable. Permits after that date are issued for 15 years and are renewable. Permits are transferable.
OK	x		Part of the permit on file
OR	x		
PA	x		No expiration (not renewed); Is transferable with permit
SC	x		Reclamation plan is part of mining permit; Reclamation plan is transferable along with the mining permit
SD	x		Reclamation plans are only required for mine permits. A reclamation plan is a component of the mine permit and lasts for the life of the operation so it does not need to be renewed, but it can be transferred as part of a mine permit.
TN	x		Part of application. Terms same as permit.
TX	x		
UT	x		A reclamation plan is required for all large mining operations which are over 10 acres outside incorporated areas or over 5 acres inside incorporated areas.
VT	x		
VA	x		The reclamation plan is part of the permit and amended as necessary to be current with the operation. The plan is transferred with the permit.
WA	x		Must be kept up to date until closure
WI	x		Metallic mines – part of the mine permit; Nonmetallic mines – plan required per NR 135 but enforced by local regulatory authorities
WV	x		The reclamation plan is a part of the permit which is issued for five years and renewable for five year increments. The reclamation plan remains a part of the permit if it is transferred.
WY	x		For the life of the mining permit (it is part of the permit). There is no renewal requirement although we may require revisions and it is transferred with the mining permit.

Question 15:

For SURFACE MINING do you require any other authorizing documents?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL	x		Only sandstone, granite and quartz are regulated. Marble, limestone and dolomite are exempt except for mine safety.
AK	x		A plan of operation and reclamation plan approval. Modified as conditions change and coincide with permit period for mine site.
AZ			
AR		x	
CA		x	
CO		x	
FL		x	
GA	x		Notice of Intend (Watershed Protection Branch); Quarries require Air and Water Quality Permits.
IL	x		Proof of filing with the County in which the mining will take place.
IN	x		Performance bond
IA	x		Reclamation bond
KS	x		Operator certifies legal right to mine registered sites and that all local, state and federal requirements have been met.
KY			USACOE, Ky.D.O.W.
LA			
ME	x		A separate air emission license is required for certain types of processing equipment such as crushers and asphalt plants (see 38 MRSA 581 et seq). Also, if the mining facility (metallic) is located in the unorganized territory of the state, a district boundary change may be needed. This permit process is handled by the Land Use Regulation Commission.
MD	x		Zoning proof
MI	x		May require air permits, surface water or groundwater discharge permits, wetland permits, etc.
MN	x		NPDES; Water appropriation; Wetlands; Air quality; Dam safety, plus Financial Assurance and Certificate of Authorization to do business in the state of MN.
MS	x		NPDES
MO	x		Reclamation bonding filed with permit, not transferable
MT	x		Local zoning authorization – permanent unless permit amended
NV	x		Water Pollution Control Permit & various others (e.g. air)
NJ		x	
NM	x		May require a Discharge Permit from the New Mexico Environment Department for protection of ground water

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
NY	x		Depending on the type of authorized activities, additional permits and approvals may consist of: air permits, solid waste permits, SPDES discharge permits (state equivalent of federal NPDES), stormwater permits, etc.
NC		x	
ND		x	
OH	x		Lease/Deed affidavit; Road consents
OK			Statutory law requires disclosure of other permits required by other jurisdictions than OK Department of Mines.
OR	x		Mine plan, financial security and a fee; permit is life of mine
PA	x		Right to mine, consent of landowner, NPDES permit.
SC		x	
SD		x	
TN		x	
TX		x	
UT	x		For permits on federal land we would get concurrence from the Land Managing Agency.
VT	x		Town Permits
VA	x		Description and location of the mine area; maps which identify the mine area; ownership of the surface and mineral rights; proof of right of entry; ownership details of the entity to which the permit is issued, including names and addresses of responsible officials, corporate officers, and persons having a financial interest in the mining entity to whom the permit is issued; VDOT commercial entrance permit (permanent part of the permit and transferred with permit).
WA	x		Reclamation plan, application, environmental review, water, air, etc.
WI	x		Any other applicable local, state, or federal permits including zoning
WV	x		A NPDES permit, which is issued for five years, renewable for five year increments and is transferable. An Air Quality permit may be required for processing facilities. These permits are good for the life of the operation unless the facility is modified. Major facilities (over 100,000 tons) are required to get a major facility permit that meets federal requirements. These permits must be renewed every five years.
WY	x		Surface owner consent. It is for the duration and there is no requirement for a renewal. It is transferred with the permit.

Question 16:

Have you promulgated UNDERGROUND MINING regulations for noncoal minerals?

State	Yes	No	If "yes", when?
AL	x		This only relates to mine safety.
AK	x		1991; Same regulations as for surface – generic in nature
AZ			
AR		x	
CA	x		1980; only for the surface disturbance associated with an underground mine.
CO	x		
FL		x	
GA		x	
IL		x	
IN		x	
IA	x		For surface effects only. Also 1988.
KS		x	
KY	x		Last update August 26, 2004.
LA			
ME	x		See response to question #11
MD	x		Surface impacts only.
MI	x		Nonferrous metallics: 2006; Brine and solution mining wells: 1970, amended 2004
MN	x		Rules: 1980 ferrous rules for reclamation; 1993 nonferrous rules for reclamation; 1985 peat rules; counties regulate aggregate/clay/rock quarries.
MS			N/A – No underground mining in the state.
MO		x	
MT	x		1971
NV	x		
NJ			N/A
NM	x		1994
NY	x		Although not specifically referenced, the Department of Environmental Conservation has exercised jurisdiction over underground mining through the Mined Land Reclamation Law (MLRL) and the regulations.
NC		x	

State	Yes	No	If “yes”, when?
ND		x	
OH		x	
OK		x	
OR	x		1972
PA		x	
SC		x	
SD	x		Same as surface mining. Only applies to surface effects and impacts to environmental media.
TN		x	
TX		x	
UT	x		Nov. 1, 1988. These are the same rules for surface mining. For regulatory purposes there is no distinction made between surface and underground mines.
VT		x	But since 1972 no underground proposals
VA	x		1968, with the most recent update in 2003
WA	x		1971 and 1996
WI	x		Wisconsin law does not differentiate between surface and underground mining – 1997
WV	x		Originally promulgated in 1972. Most recently revised on August 1, 2001. Applies only to the surface effects of underground mining.
WY	x		1975

**Question 17:
For UNDERGROUND MINING do you require a PERMIT?**

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL		x	
AK	x		An operation and reclamation plan approval required. Modified as conditions change and coincide with permit period for mine site.
AZ			
AR		x	
CA	x		Only for the surface disturbance associated with an underground mine. Duration is variable, renewable and transferable.
CO	x		
FL		x	
GA			Not regulated by the state.
IL		x	
IN		x	A permit would not be required if there is no reclaimable overburden.
IA	x		
KS		x	
KY	x		5 year term with right of renewal. It may be transferred.
LA			
ME	x		See response to question #11
MD	x		If surface impacts exceed 3 acres.
MI	x		Permits are required for underground nonferrous metallic mineral mines and for brine and solution mining wells. Permits are effective for life of mine or well, including reclamation. Permits may be transferred, subject to conditions.
MN	x		Life of the mine, including closure and post-closure (i.e. maintenance)
MS			N/A – No underground mining in the state.
MO		x	
MT	x		Duration; Renewal unnecessary; Reports filed annually; Transferable
NV	x		
NJ			N/A
NM	x		New Mine Permit = 20 years; Existing Mine Permit = Indefinite; Renewable every 5 years; Permit is transferable
NY	x		All mining over the threshold, surface and underground require, a Mined Land Reclamation Permit. All permits are renewable and transferable.
NC		x	
ND			

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
OH		x	
OK	x		Same as surface permit
OR	x		Life of mine, etc.
PA	x		Surface only; Underground portions described in a module section of the application; Transferable; No expiration
SC	x		Presently no underground mining, but would come under the authority of the current mine law in South Carolina; Life of Mine permit – permit is valid as long as a mineable resource is present; Mining Permit is transferable
SD	x		Same as surface mining. Only applies to surface effects and impacts to environmental media.
TN		x	
TX			N/A
UT	x		Permit is for the life of the mine and is transferable.
VT	x		But since 1972 no underground proposals
VA	x		The mining permit is in effect for 1 year and is renewable and transferable.
WA	x		Good until reclaimed and closed
WI	x		Metallic mining permit is in force for the duration of the project, reclamation and long-term care period; None required for nonmetallic mines
WV	x		Issued for five years. Renewable for five year increments. Permits are transferrable.
WY	x		It is for the duration of the mining activity. There is no renewal requirement although we may require a revision. It is transferable.

Question 18:
For UNDERGROUND MINING do you require a LICENSE?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL		x	
AK	x		1 year; renewable and transferable
AZ			
AR		x	
CA		x	
CO		x	
FL		x	
GA			
IL		x	
IN		x	
IA	x		
KS	x		Duration varies; renewable; non-transferable
KY		x	
LA			
ME			See response to question #13
MD	x		If surface impacts exceed 3 acres.
MI		x	
MN		x	N/A – No underground mining in the state.
MS			
MO		x	
MT		x	
NV		x	
NJ			N/A
NM		x	
NY		x	
NC		x	
ND			
OH		x	
OK		x	
OR		x	

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
PA	x		For surface mine operations associated with underground; Not specific to underground
SC		x	
SD	x		Same as surface mining only for sand and gravel, pegmatite minerals, or for limestone, iron ore, sand, gypsum, or shale used in the process of making cement or lime. Only applies to surface effects and impacts to environmental media.
TN		x	
TX			N/A
UT		x	
VT		x	
VA	x		The mining license is in effect for 1 year and is renewable, but not transferable.
WA			
WI	x		Yes for any tailings disposal area at a metallic mine; None required for nonmetallic mines
WV		x	
WY	x		It is for the duration of the mining and it is not transferable. There are no requirement provisions for a renewal although we may require revisions. We allow more than one license and the permittee may request we terminate a license.

Question 19:
For UNDERGROUND MINING do you require a RECLAMATION PLAN?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL		x	
AK	x		1 year; renewable and transferable
AZ			
AR		x	
CA	x		Only for the surface disturbance associated with an underground mine. Duration is variable; renewable and transferable.
CO	x		
FL		x	
GA			N/A
IL		x	
IN		x	
IA		x	
KS		x	
KY	x		5 year term, renewable and transferable.
LA			
ME			See response to question #14
MD	x		Surface impacts only.
MI	x		Effective for life of mine, including reclamation; may be transferred as part of permit
MN	x		Life of the mine and through reclamation; transferable upon request and approval
MS			N/A – No underground mining in the state.
MO		x	
MT	x		
NV	x		
NJ			N/A
NM	x		
NY	x		All permitted activities require a Mined Land Use Plan (MLUP) which, when approved, becomes part of the permit. Each MLUP consists of a mining plan (graphic and narrative) and a reclamation plan (graphic and narrative) which become part of the permit. Each permit is renewable and transferable.
NC		x	
ND			
OH		x	

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
OK	x		The reclamation plan is part of the permit package.
OR	x		Same as above
PA		x	
SC	x		Presently no underground mining, but if an underground mine should apply for a permit, it would come under the authority of the current mine law in South Carolina; Reclamation plan is part of mining permit; Reclamation plan is transferable along with the mining permit
SD	x		Same as surface mining only for mine permits. The reclamation plan is a component of the mine permit. Only applies to surface effects and impacts to environmental media.
TN		x	
TX			N/A
UT	x		Large mines require a reclamation plan. Small mines do not.
VT	x		
VA	x		The reclamation plan is part of the permit and amended as necessary to be current with the operation. The plan is transferred with the permit.
WA	x		Must be kept up to date until closure
WI	x		Metallic mines – part of the mine permit; Nonmetallic mines – plan required per NR 135 but enforced by local regulatory authorities
WV	x		The reclamation plan is a part of the permit which is issued for five years and renewable for five year increments. The reclamation plan remains a part of the permit if it is transferred. The reclamation plan for underground mining applies only to the surface effects of mining.
WY	x		For the life of the mining permit (it is part of the permit). There is no renewal requirement although we may require revisions and it is transferred with the mining permit.

Question 20:

For UNDERGROUND MINING do you require any other authorizing documents?

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
AL	x		Only mine safety is regulated underground.
AK	x		MSHA approval
AZ			
AR		x	
CA		x	
CO		x	
FL		x	
GA			N/A
IL		x	
IN		x	
IA	x		Reclamation bond – surface effects
KS	x		Operator certifies legal right to mine for registered sites and that all local, state and federal regulations have been met.
KY		x	
LA			
ME	x		See response to question #15
MD		x	
MI	x		Same as for surface mining
MN	x		NPDES; Water appropriation; Wetlands; Air quality; Dam safety; plus Financial Assurance and Certificate of Authorization to do business in state of MN.
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		Water Pollution Control Permit & various others (i.e. air) – too many to list
NJ			N/A
NM	x		May require a Discharge Permit from New Mexico Environment Department for the protection of groundwater
NY	x		Similar to other types of mining, other permits such as air permits, SPDES permits, solid waste permits, etc., may be required.
NC		x	
ND			
OH		x	They are subject to safety inspections.

State	Yes	No	Please specify duration, whether it's renewable, how often it's renewable, and whether it's transferable:
OK	x		For the life of the mine but must be reviewed on an annual basis.
OR		x	
PA		x	
SC		x	
SD		x	
TN		x	
TX			N/A
UT	x		For permits on federal land we would need concurrence from the Land Management Agency.
VT			
VA	x		Description and location of the mine area; maps which identify the mine area; ownership of the surface and mineral rights; proof of right of entry; ownership details of the entity to which the permit is issued, including names and addresses of responsible officials, corporate officers, and persons having a financial interest in the mining entity to whom the permit is issued; VDOT commercial entrance permit.
WA	x		Reclamation plan, application, environmental review, water, air, etc.
WI	x		Any other applicable local, state, or federal permits including zoning
WV	x		An NPDES permit, which is issued for five years, renewable for five year increments and is transferable. An Air Quality permit may be required for processing facilities. These permits are good for the life of the operation unless the facility is modified. Major facilities (over 100,000 tons) are required to get a major facility permit that meets federal requirements. These permits must be renewed every five years.
WY	x		Surface owner consent. It is for the duration; there is no requirement for a renewal and it is transferred with the permit.

Question 21:

Does your state provide for an exemption from permitting? If so, for what categories?

State	Yes	No	If so, for what categories?
AL	x		Marble, limestone, and dolomite. All pits less than 1 acre. Chert pits less than 5 acres.
AK		x	
AZ	x		Area inspected, general class
AR	x		Landowners can mine material for use on their own property. County and municipal governments can operate open-cut mines without a permit for governmental projects. The state highway department is exempt for any excavation related to highway construction. Soil and shale pits less than 3 acres are also exempt.
CA	x		If less than 1000 cubic yards, and less than an acre disturbance.
CO		x	
FL	x		Varies depending on the permit.
GA			N/A
IL		x	
IN		x	
IA		x	
KS	x		If mine is less than two acres.
KY	x		On site construction & agricultural uses only.
LA			
ME	x		No permit is required for a gravel pit less than 5 acres in size. In addition, a permit is not required for a quarry if it is less than 1 acre in size. No exemptions exist for metallic mineral mining.
MD	x		State highway borrow areas; sites less than 1 acre.
MI	x		Nonmetallic non-coal mines do not require a permit, but do require a reclamation plan, and the mines must meet certain standards. The requirements for nonmetallic noncoal mines are not enforced because of lack of funding.
MN	x		Partial exemption with some operators in certain iron ore pits; <40 acre project area for peat mining.
MS	x		4 acres or less and >1/4 mile from any other mine site.
MO	x		Landowners for personal use; Governments for public projects.

State	Yes	No	If so, for what categories?
MT	x		Limited acreage and/or cubic yards of materials.
NV	x		There are acreage and tonnage thresholds on reclamation permits. Certain mines (cinders, quarries, etc.) don't need water pollution control permit.
NJ		x	
NM	x		"Mining" does not mean the exploration and extraction of potash, sand, gravel, caliche, borrow dirt and quarry rock used as aggregate in construction, the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipes, the development or extraction of coal, the extraction of geothermal resources, smelting, refining, cleaning, preparation, transportation or other off-site operations not conducted on permit areas or the extraction, processing or disposal of commodities, byproduct materials or wastes or other activities regulated by the federal Nuclear Regulatory Commission.
NY	x		In aid of on-site construction, in aid of agricultural activities, recreational ponds and certain flood mitigation activities.
NC	x		The NC Department of Transportation operates under an approved borrow and waste procedure manual which was approved by the NC Mining Commission. Also single project borrow pits <5 acres and up to 1 year duration where no processing, blasting or offsite dewatering occurs.
ND			
OH	x		Less than 5 feet per 1 acre mined. Private use of material that is unprocessed and remains on the property of the land owner. Where person has a valid building permit. Road, highway, sewer projects that are bonded and have a reclamation plan.
OK		x	
OR	x		
PA	x		Exploration, noncommercial use, building exemption, highway borrow pits.
SC	x		Mines providing unconsolidated sand and clay only to SC Department of Transportation for highway construction.
SD	x		Previously affected land within a mine permit boundary is not covered if it is not affected by the new mining operation. Recreational gold panning exempt if only hand held equipment is used. People mining gravel for their own use do not need a mine license. State and local governments are exempt from license fees and bonding.
TN	x		Limestone, coal, marble, chert, gravel, sand and dimension stone.
TX	x		Uranium mining on state owned public land regulated by the General Land Office.
UT	x		Mining does not include: the extraction of sand, gravel and rock aggregate; the extraction of oil and gas; the extraction of geothermal steam, smelting and refining operations, off-site operations and transportation; reconnaissance activities or activities that do not cause significant surface resource disturbance.

State	Yes	No	If so, for what categories?
VT	x		No substantial change or deemed not abandoned. In 1995 the legislature allowed what is essentially an exemption for slate mining as the reopening of existing quarries were deemed not to be abandoned or having undergone substantial change.
VA	x		Exemptions are granted for mines under state control and supervision.
WA	x		For mines under 3 acres.
WI	x	x	Metallic mining – no for nonmetallic mining. Certain exceptions are allowed by law.
WV	x		Activities of the Department of Transportation or any public governing entity for the construction, repair or maintenance of highways or other public facilities. Operations engaged only in processing materials. Excavation or grading conducted solely in aid of on-site farming or on-site construction. Removal of minerals for the purpose of prospecting. The removal or deposit of backfill material associated with construction, farming and noncommercial activities. Noncommercial quarry operations by a landowner if the disturbed area does not exceed one acre.
WY	x		For public projects if they meet certain criteria for sand, gravel and other aggregates.

Question 22:

Is any HYDROLOGY premining environmental data required as part of the application?

State	Yes	No	If yes, what types of data?
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Surface and subsurface water sources and flow regimes, quantities and quality.
AZ	x		Surface quality, underground quality, surface discharge quantity.
AR		x	
CA	x		As necessary to assess potential impacts pursuant to the California Environmental Quality Act.
CO	x		
FL	x		
GA	x		Quarry operations mining below the water table are required to submit a hydrology report and have monitoring wells in place.
IL		x	
IN		x	
IA		x	
KS		x	
KY	x		Surface drainage control, ground water protection.
LA			
ME	x		As part of the environmental assessment for metallic mineral mining, baseline monitoring is required for surface water quality and stormwater survey calculations. Stormwater calculations and design information is required for a gravel pit or quarry only if the operation drains externally and a variance required pursuant to the performance standards.
MD	x		Karst areas and any site that includes dewatering.
MI	x		For nonferrous metallic mineral mines and dune sand mines: comprehensive surface water and groundwater quality and quantity data and monitoring are required. For ferrous and nonmetallic mineral mines: surface and groundwater data may be required.
MN	x		Environmental setting analysis, maps, watershed modifications.
MS		x	
MO		x	

State	Yes	No	If yes, what types of data?
MT	x		All appropriate and relevant.
NV	x		
NJ		x	
NM	x		Baseline information.
NY	x		Description of site hydrology, adjacent hydrology, description of adjacent groundwater or surface users. Any on-site and off-site monitoring well information, etc. Basically any information that we deem necessary as part of the application review. Depth to groundwater, etc.
NC	x		Not for all mine permit applications. Sediment and erosion control plan, hydrogeological study, wetland delineation.
ND			
OH	x		Hydrology modeling for permits that will dewater.
OK		x	
OR	x		Extensive baseline and early detection monitoring.
PA	x		Background from surface and groundwater sources that may be affected and within 1000 feet.
SC	x		Site specific. If mining will have a potential impact on neighboring water wells or other water resources premining data would be required. Such information could include, well inventory of existing wells, geology of area, and modeling predicting groundwater drawdown based on proposed mine operations. Land surface collapse evaluation may be necessary in geology prone for sinkholes.
SD	x		For mine permits, baseline surface and ground water quality, ground water levels, surface water discharge rates, ground water gradients, meteorological data, geochemical testing of ore and waste rock for acid mine drainage and metals, project water requirements including flow rates and volumes, chemical characteristics of process solutions, and location of surface and ground water resources. All of this would be required for a large scale heap leach gold mine, but may not be required for a small scale mine with minimal potential impacts. No hydrology data is required for mine licenses.
TN		x	
TX		x	
UT	x		Depth to groundwater. A map of the watershed including streams, springs, etc.
VT	x		

State	Yes	No	If yes, what types of data?
VA	x		An assessment of the potential for impacts on the overall hydrologic balance from the proposed operations must be conducted. Potential adverse impacts identified must be addressed in a plan to mitigate those impacts on water quality and quantity.
WA	x		Yes as part of EIS; baseline.
WI	x		Metallic mining – detailed groundwater modeling. Nonmetallic mining – some very basic information.
WV	x		A premining water assessment must be conducted which documents base level water quality and quantity.
WY	x		Quality and quantity information for surface and groundwater baseline conditions usually one year of quarterly monitoring. A list of surface and groundwater rights are required.

Question 23:

Is any GEOLOGY premining environmental data required as part of the application?

State	Yes	No	If yes, what types of data?
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Solid rock geochemistry, lithology, geologic structure, etc.
AZ	x		Surface geology, expected mineralization
AR		x	
CA	x		As necessary to assess potential impacts pursuant to the California Environmental Quality Act and to assure that final slopes will be stable.
CO	x		
FL	x		
GA		x	
IL		x	
IN	x		Special handling plans for acid forming materials. A stratigraphic column is also required.
IA		x	
KS	x		Thickness of mineral(s) to be mined.
KY	x		Ground water quality & quantity; depth to water table; rock descriptions; chemistry; sinkhole occurrence, korst.
LA			
ME	x		As part of the environmental assessment for metallic mineral mining, baseline monitoring is required for groundwater quality and quantity. In addition, geotechnical information is required for soils, stratigraphy, faults and geochemical testing of the ore and waste rock to determine the potential for acid rock drainage. If a gravel pit or quarry operates below the water table, both groundwater quality and groundwater levels are required as part of a variance request. (See Chapter 378 Variance Criteria for the Excavation of Rock and Gravel.)
MD	x		
MI	x		For nonferrous metallic mineral mines: geology and geochemical characterization are required. For brine and solution mining wells: intended formation and depth are required.
MN	x		Bedrock geology, shape of orebody, known or inferred reserves, cross-section.
MS		x	

State	Yes	No	If yes, what types of data?
MO		x	
MT	x		All appropriate and relevant.
NV	x		
NJ		x	
NM	x		Baseline information.
NY	x		Details on the geology of the immediate and surrounding areas; geologic description of the material to be mined, i.e. depth of deposit, nature of deposit, etc.
NC			Could be for some applications.
ND			
OH	x		Drilling of test holes identifying product to be mined +5 feet below the final product.
OK		x	
OR	x		Existing geological baseline and stability analysis.
PA	x		Drill logs or equivalent, structural data, overburden analysis (if applicable).
SC	x		Site specific. Geotechnical information for slope stability, stratigraphic, hydrogeologic, geochemical.
SD	x		For mine permits, baseline geology, geologic cross sections, baseline soil data, and geotechnical information including a stability analysis for all critical earth structures. All of this would be required for a large scale heap leach gold mine, but may not be required for small scale mine with minimal potential impacts. No geologic data required for mine licenses.
TN	x		Strata/material mined.
TX		x	
UT	x		They must provide a map of the formations, a description of the extent of the overburden and the geologic setting.
VT	x		
VA	x		The common and geologic name of the material to be extracted.
WA	x		As part of EIS.
WI	x		Metallic mining – detailed cross-sections. Nonmetallic mining – basic information.

State	Yes	No	If yes, what types of data?
WV	x		A geologic cross section is required. The name of the mineral is required. The strike, dip and outcrop must be identified on the proposal map.
WY	x		Varies with the type of permit. Can be a general discussion to a detailed geologic description complete with drill logs and cross sections.

Question 24:

Is any LAND USE/ZONING premining environmental data required as part of the application?

State	Yes	No	If yes, which types of data?
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Baseline socio-economic, referral to State and Federal Land Use Management Plans.
AZ	x		Size, zoning
AR		x	
CA	x		As necessary to assess potential impacts pursuant to the California Environmental Quality Act.
CO	x		Only need documentation that local approvals will be obtained.
FL	x		
GA	x		Permittee must obtain zoning on their own.
IL		x	
IN	x		Description of the premining land uses is required.
IA		x	
KS	x		County CUP (Conditional Use Permit).
KY	x		
LA			
ME			A separate air emission license is required for certain types of processing equipment such as crushers and asphalt plants (see 38 MRSA 581 et seq).
MD	x		
MI	x		For nonferrous metallic mineral mines, solution mining wells, and dune sand mines: comprehensive characterization of land use and environmental factors.
MN	x		Environmental setting analysis.
MS		x	No <i>environmental</i> data. Zoning only in counties with zoning.
MO		x	
MT	x		Compliance with applicable local zoning.

State	Yes	No	If yes, what types of data?
NV		x	Premining Disturbance is required.
NJ		x	
NM		x	
NY	x		Applicant must state whether mining is an allowed use in the town. Supplemental application forms require multiple questions to be answered that pertain to land use/zoning issues.
NC		x	
ND			
OH	x		Zoning agency is identified. Proof of publication for zoning/conditional use that occurred within 365 days or they need to publish if greater than 365 days or if there is no zoning.
OK	x		If the area requested falls within the jurisdiction of a zoning body. If so zoning approval is needed as part of the mining plan.
OR	x		The land use authority makes the siting decision.
PA	x		Completed questionnaire re. approved land use or conflicts.
SC		x	
SD	x		For mine permits, a socioeconomic study is required that evaluates the impacts a proposed mining operation has on population, employment and income, tax base, housing, community services, and recreational opportunities. This would be required for a large scale heap leach gold mine, but may not be required for a small scale mine with minimal potential impacts. No land use/zoning required for mine licenses.
TN		x	
TX		x	
UT	x		The applicant must provide a map which shows existing conditions for determination of post-mining land use.
VT	x		
VA		x	Land use/zoning is decided by the county and/or locality in which the mining operation is located. Those requirements are highly variable, but can include special use permits with specific restrictions.
WA	x		Yes as part of EIS.
WI	x		Metallic mining – detailed maps. Nonmetallic mining – basic information.
WV	x		The use of the land prior to mining and the proposed use after mining.

State	Yes	No	If yes, which types of data?
WY	x		Land use zoning is the jurisdiction of county governments. The mine application must document the proposed mine is in conformance with county zoning regulations (usually by providing a letter from the county).

Question 25:

Is any AIR QUALITY premining environmental data required as part of the application?

State	Yes	No	If yes, which types of data?
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Ambient monitoring data, flow movements, directions and seasonal variations, etc.
AZ	x		Particulates, volatiles
AR		x	
CA	x		As necessary to assess potential impacts pursuant to the California Environmental Quality Act.
CO	x		Only need documentation that air quality permits will be obtained from appropriate agency.
FL		x	
GA	x		Quarry operations require air modeling.
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME	x		Both meteorological and ambient air quality is required as part of baseline monitoring for a metallic mineral mine.
MD	x		Regulated by Air Quality Administration.
MI	x		For nonferrous metallic mineral mines: ambient air quality and meteorology. Separate air discharge permits may be required for any mining operation.
MN		x	MN PCA regulates air quality.
MS		x	
MO		x	
MT		x	
NV	x		

State	Yes	No	If yes, what types of data?
NJ		x	
NM		x	
NY	x		Only that which pertains to equipment to be used, i.e. rock crushers, generators, screens, etc.
NC			Air Quality permits are required for some mining operations and are regulated by the NC Division of Air Quality.
ND			
OH	x		This is required by OEPA (Ohio Environmental Protection Agency).
OK		x	ODM does not review the air quality data. Operations which fall within the air quality guidelines must submit a copy of their approved permit or plan.
OR	x		Per DEQ authority.
PA		x	
SC	x		If proposed mine requires an air quality permit, appropriate data submitted to air permitting program to obtain air quality permit before mining permit is issued.
SD	x		Determined by Minerals and Mining Program for crushers and asphalt plants and by Air Quality Program for other emission sources. For mine permits, baseline air quality data may be required. This would be required for a large scale heap leach gold mine, but may not be required for a small scale mine with minimal potential impacts. No air quality data required for mine licenses.
TN		x	
TX		x	
UT		x	
VT			
VA		x	Note: Air quality permits for mineral processing on mining sites are issued and enforced through the VA Department of Environmental Quality.
WA	x		As part of the EIS.
WI	x	x	Metallic mining – yes. Nonmetallic mining – no.
WV	x		An air quality permit (issued by the DEP Office of Air Quality) is required for emissions from crushing and processing facilities. These permits are good for the life of the operation unless the facility is modified. Major facilities (over 100,000 tons) are required to get a major facility permit that meets federal requirements. These permits must be renewed every five years.

State	Yes	No	If yes, what types of data?
WY		x	

Question 26:

Is any HISTORICAL/ARCHEOLOGICAL IMPACT premining data required a part of the application?

State	Yes	No	If yes, what types of data?
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Historical Preservation Act cultural resource surveys.
AZ	x		50 year historical; archeological.
AR		x	
CA	x		As necessary to assess potential impacts pursuant to the California Environmental Quality Act.
CO	x		
FL	x		
GA	x		Historic Preservation Division researches for National Historic Sites within one mile. Permittee provides this info. too.
IL		x	
IN		x	
IA		x	
KS		x	
KY	x		Phase I, II or III as indicated. The applicant shall specify sites historical or archaeological, within & adjacent to the permit boundary.
LA			
ME	x		Only required for metallic mineral mining.
MD	x		As required by MD Historical Trust.
MI	x		For nonferrous metallic mineral mines: historical and archeological characterization and artifact identification.
MN	x		Environmental setting analysis.
MS		x	Only if required by State Department of Archives and History.
MO		x	
MT	x		Presence, absence, significance.
NV	x		

State	Yes	No	If yes, what types of data?
NJ		x	
NM	x		Baseline surveys required.
NY	x		Information must be submitted to satisfy the requirements of the State Historical Preservation Act.
NC	x		All new applications for a mining permit are routed to the NC Division of Archives and History for comments.
ND			
OH		x	
OK		x	
OR	x		Not by state (SHPO).
PA	x		Locational check is completed with state agency.
SC	x		Site specific. If site has potential for containing significant cultural or historic artifacts (eligible for National Historic Register), site must be evaluated by qualified archeologist. If significant artifacts are found, the location of the artifacts must either be preserved (greenspaced) in place or artifacts recovered following standard archeological methods.
SD	x		For mine permits, the state archaeologist can require a cultural resources survey if the operation might disturb significant historic or archaeological sites. For mine licenses, operator must consult with state archaeologist 30 days prior to mining.
TN		x	
TX		x	
UT	x		Baseline information is required but not as part of the Utah Mined Land Reclamation Act.
VT		x	
VA		x	
WA	x		As part of the EIS.
WI	x		Metallic mining – detailed information to be included in the EIS. Nonmetallic mining – basic information.
WV	x		The State Historic Preservation Office must be notified and given the opportunity to review the site prior to mining.
WY	x		It varies. The regulations allow the administrator to require a survey of the area based on the recommendation of a professional. If a survey is completed, consultation with SHPO is required.

Question 27:

Is any OTHER premining environmental data required as part of the application?

State	Yes	No	For “yes”, please specify what data and types:
AL		x	The Alabama Department of Environmental Management regulates this through the federal rules of the Clean Water Act.
AK	x		Fish and wildlife resources and their impacted habitats.
AZ	x		Visual, flora, fauna.
AR		x	
CA	x		The California Environmental Quality Act requires that all potential impacts be addressed.
CO	x		Various baseline data such as hydrology, soils, wildlife, vegetation, etc.
FL	x		Listed species.
GA		x	
IL		x	
IN		x	
IA		x	
KS		x	
KY			N/A
LA			
ME	x		Metallic mineral mining requires the following additional information as part of baseline monitoring: socioeconomics, scenic wildlife, fish tissue analysis, endangered or threatened species.
MD	x		Impacts to wetlands, flood plains and drinking water.
MI	x		For nonferrous metallic mineral mines and dune sand mines: soils, flora and fauna.
MN	x		Forest and soils inventory; Past mining; Ownership.
MS		x	
MO		x	
MT	x		
NV	x		Various.

State	Yes	No	For “yes”, please specify what data and types:
NJ		x	
NM	x		
NY	x		Essentially anything that the agency requires in order to satisfy the requirements of the Mined Land Reclamation Law and other applicable laws and to protect the health and welfare of the general public.
NC	x		Could require wetland delineation, endangered species study, etc.
ND			
OH		x	
OK		x	
OR	x		Interdisciplinary data.
PA	x		Endangered species and wetlands – checked with state database. Extent of soils, vegetation/agriculture production. Analysis of nondischarge alternative if stream is designated “high quality”.
SC	x		Endangered species inventory; wetland delineation based on the US Army Corps of Engineers definition; pre-blast survey.
SD	x		For mine permits, baseline wildlife, aquatics, and vegetation data is required as well as engineering data. All of this would be required for a large scale heap leach gold mine, but may not be required for a small scale mine with minimal potential impacts. For mine licenses, operator must consult with Department of Game, Fish and Parks and local Natural Resources Conservation Service office 30 days prior to mining.
TN		x	
TX		x	
UT	x		A description of the existing soil types and vegetative communities.
VT			
VA	x		If the mining operation plans to discharge water from the mine site, a water discharge permit is required by the VA Department of Environmental Quality.
WA	x		Air, traffic, economic impacts, vegetation.
WI	x		Metallic mining – any other information needed to quantify environmental impacts.
WV	x		If threatened or endangered species may be affected, the agency must consult with the Department of Natural Resources and the U.S. Fish and Wildlife Service.

State	Yes	No	For "yes", please specify what data and types:
WY	x		Soil, vegetation, wildlife, and threatened and endangered species. The detail of the survey is dependent upon the size of operation. Mapping and descriptions are required.

Question 28:
**What lateral distance prohibitions or special requirements exist with regard to ADJACENT PROPERTIES
(churches, occupied dwellings, schools, etc.)?**

State	Response:
AL	50 feet from the property line.
AK	General attempt to stay as far away as possible but no set distances in regulations.
AZ	
AR	Both the open-cut and quarry laws have a 50 foot buffer zone at adjacent property lines.
CA	Based on impacts to adjacent properties, not distance from.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Each of the 67 counties has its own land use ordinances that may or may not specify setbacks.
GA	Minimum 25 foot undisturbed buffer.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	Local zoning ordinances may apply. There are no state laws involving such prohibitions.
IA	50 feet from public right-of-way. 25 feet from property line.
KS	Site specific through CUP (Conditional Use Permit).
KY	Show all within 1,000 feet; 300 feet blasting buffer; 100 feet no mining buffer.
LA	
ME	For gravel pits and rock quarries the following standards apply: A natural buffer strip at least 50 feet wide must be maintained between any excavation and any property boundary. These distances may be reduced to not less than 10 feet with the written permission of the affected property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary. Any written permission to reduce a buffer must provide that it remains in effect until mining ceases and must be recorded in the registry of deeds. A 100 foot natural buffer strip must be maintained between any quarry and any property boundary. For mine waste units, the setback is 1000 feet from the property line.
MD	25 feet from property minimum. Usually set by county zoning.
MI	For dune sand mines: 200 foot setback from property boundaries (with provision for exceptions), and 500 foot setback from Great Lakes shoreline. For brine and solution mining wells: 300 feet from occupied structures.

State	Response:
MN	500 feet
MS	300 feet.
MO	50 feet.
MT	N/A
NV	Covered in permit conditions. 1000 feet.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	The Mined Land Reclamation Law contains provisions for setbacks from adjacent properties, wetlands, streams, easements, etc.
NC	Each application is reviewed and buffers are required according to site specifics. NC does not have stated buffer widths.
ND	
OH	No excavating within 50 feet of adjacent property.
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	300 feet – occupied house, commercial/industrial/institutional building. Waivers may be granted with owner’s approval.
SC	Site specific conditions and nature of mine is considered. Setbacks from property lines range from 10 feet to 250 feet.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	Identify all in general area.
TX	Public buildings 150 feet with exceptions.
UT	None are specified. They do have to identify on a map anything within 500 feet of the mine.
VT	
VA	Mining operations must be conducted in a manner which protects cemeteries, public roads, utilities, and buildings, churches, and occupied dwellings. Constructed cut or fill slopes not to extend closer than 25' and no mine activities within 5'.
WA	Variable.

State	Response:
WI	Metallic mining can not be permitted in a way that results in irreparable damage to a variety of adjacent features.
WV	No mining within 100 feet of a public road, stream, lake or state, national or interstate park or other public property. This restriction does not apply to berms, drainage control structures and roads. Waivers may be granted only when, upon consideration of local land uses, the land use of and near the permitted area will be significantly enhanced by an alteration of the topography within the 100 foot barrier. No mining within 25 feet of a property line. This prohibition does not apply to tree plantings, berms, visual barriers, vegetation, drainage structures or access ways.
WY	No disturbance within 300 feet of those listed above unless consent is granted from the owner of the dwelling or building.

Question 29:**What lateral distance prohibitions or special requirements exist with regard to PUBLIC ROADS?**

State	Response:
AL	50 feet from the road right of way.
AK	General attempt to stay as far away as possible but no set distances in regulations.
AZ	
AR	Both the open-cut and quarry laws have a 50 foot buffer zone with public road right of way.
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Each of the 67 counties has its own land use ordinances that may or may not specify setbacks.
GA	Minimum 50 foot undisturbed buffer.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	Local ordinances apply.
IA	50 feet from right-of-way.
KS	Site specific.
KY	No disturbance within 100 feet of the R.O.W. without written permission.
LA	
ME	For gravel pits and rock quarries the following standards apply: A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and a road designated as a scenic highway by the Department of Transportation. A natural buffer strip at least 100 feet wide must be maintained between the working edge of an excavation and any public road. A natural buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any private road or right-of-way. For metallic mineral mining the setback is 300 feet.
MD	100 feet.
MI	For brine and solution mining wells: 300 feet from interstate, U.S., or state highway. For other mining operations: none, but may be specified in permit.
MN	100 feet outside R.O.W.
MS	

State	Response:
MO	50 feet.
MT	N/A
NV	None. Relocation if necessary.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Nothing specific to public roads, but rather dependent on adjacent property lines and easements.
NC	Each application is reviewed and buffers are required according to site specifics. NC does not have stated buffer widths.
ND	
OH	No activity within 50 feet of the outside edge of the road rights of way unless written consent is obtained from the road authority.
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	300 feet. Waivers may be granted with owner’s approval.
SC	Site specific conditions and nature of mine is considered. Setbacks to public roads may range from 10 feet to 50 feet.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	Identify all in general area.
TX	150 feet with exceptions.
UT	None specified.
VT	
VA	The holder of the mining permit must have a valid commercial entrance permit from the VA Department of Transportation.
WA	Variable.
WI	None specifically.

State	Response:
WV	No mining within 100 feet of a public road, stream, lake or state, national or interstate park or other public property. This restriction does not apply to berms, drainage control structures and roads. Waivers may be granted only when, upon consideration of local land uses, the land use of and near the permitted area will be significantly enhanced by an alteration of the topography within the 100 foot barrier.
WY	None but must have approval of the public road authority before disturbing within the right of way.

Question 30:

What lateral distance prohibitions or special requirements exist with regard to PUBLIC UTILITIES (telephone, gas and power lines)?

State	Response:
AL	50 feet from the right of way.
AK	None
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Each of the 67 counties has its own land use ordinances that may or may not specify setbacks.
GA	Buffer is at discretion of utility; agreement must be in file; must be shown on plan.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	None
IA	None
KS	Site specific per utility company.
KY	Show all within 1,000 feet; buffers dictated by the utility.
LA	
ME	No specific distance is specified by law for a public utility. However, the operation must meet the property line setbacks described in question 28.
MD	As per utility.
MI	None, but may be specified in permit.
MN	None, other than removal at closure (except not operator owned).
MS	None
MO	50 feet.
MT	N/A
NV	None. Relocation if necessary.

State	Response:
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Not specifically mandated. Dependent on existing adjacent property lines, easements, etc.
NC	Each application is reviewed and buffers are required according to site specifics. NC does not have stated buffer widths.
ND	
OH	N/A
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	Special requirements for blasting activity within 200 feet. Waivers may be granted with owner's approval.
SC	Site specific conditions, nature of mine and comments from utility owner is considered. Setbacks may range from 10 to 250 feet.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	Identify within 500 feet. Utilities owner(s) responsible for any restrictions.
TX	None
UT	None specified.
VT	
VA	All public utilities within 1000 feet of the mine permit must be shown on a map.
WA	Variable.
WI	None specifically.
WV	None, however, the permit can not be issued if the mining will pose a threat to the public health and safety.
WY	None but must have approval from the utility to disturb.

Question 31:**What lateral distance prohibitions or special requirements exist with regard to GAS/OIL WELLS?**

State	Response:
AL	50 feet from the property line.
AK	None
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Based on site-specific conditions.
GA	N/A
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	None
IA	None
KS	Site specific.
KY	Show all within 1,000 feet; buffers dictated by the department.
LA	
ME	The state of Maine does not have any production wells for gas or oil. Therefore, no setback is specified by law.
MD	Site specific.
MI	None, but may be specified in permit.
MN	None in MN.
MS	None
MO	50 feet.
MT	N/A
NV	None

State	Response:
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Not specifically referenced in the Mined Land Reclamation Law. Coordination occurs with Oil & Gas regulatory groups and through permit application review.
NC	N/A
ND	
OH	24 feet.
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	125 feet.
SC	Not applicable – No oil or gas wells in South Carolina.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	Identify within 500 feet.
TX	100 feet with exceptions.
UT	No prescribed prohibition but this may be set by the Board of Oil, Gas and Mining using multiple mineral development criteria.
VT	
VA	Advance notice must be given to the owners of pipelines or electrical utilities if blasting activities are planned within 300 feet. Also, notice must be given to the Division of Mineral Mining before mining within 500 feet of an oil or gas well. The Division must approve mining within 200 feet of a well.
WA	Variable
WI	None specifically.
WV	None, however, the permit can not be issued if the mining will pose a threat to the public health and safety.
WY	None but must have approval from the owner of the well prior to disturbing.

Question 32:**What lateral distance prohibitions or special requirements exist with regard to RIVERS/STREAMS?**

State	Response:
AL	50 feet from the water line.
AK	Buffers of various widths depending on stream category and ownership – from 33 feet to 1/4 mile.
AZ	
AR	Sand and gravel mining operations must have a 100 foot buffer zone with a river/stream unless otherwise approved by the agency.
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	Varies, but generally 200 feet.
FL	Based on site-specific conditions.
GA	Minimum 25 foot buffer; trout streams require minimum 50 foot undisturbed buffer.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	Other state and federal agencies may have jurisdiction.
IA	None
KS	50 feet beyond stream bank for surface mining. Mining within streams falls under Kansas Department of Agriculture, Division of Water Resources.
KY	No disturbance within 100 feet without consent.
LA	
ME	For gravel pits and rock quarries a 75 foot setback is required. A 100 foot setback is required for great ponds. For a mine waste unit a 300 foot setback is required.
MD	Depends on stream class – 50 feet to 200 feet.
MI	None, but may be specified in permit.
MN	1/4 mile state or national wild and scenic river; 300 feet designated trout stream; 400 feet Shipstead-Nolan-Newton Act watercourse; 100 feet public waters stream.
MS	Up to 200 feet.
MO	None

State	Response:
MT	N/A – case by case.
NV	Covered in permit conditions.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	100 feet from regulated wetland; 100 feet from bed or banks of classified streams. Determinations are made in conjunction with Article 15 Water Resources Law.
NC	Generally minimum 50 foot undisturbed buffers are required along natural watercourses and wetlands. Wider buffers are required between floodplain gravel operations and rivers/streams (generally minimum 200 foot).
ND	
OH	No excavation within 120 feet of scenic river. No affectment within 75 feet of scenic river. No mining or affectment within 75 feet of rivers that drain more than 100 square miles. No mining or affectment within 50 feet of rivers 25-99 square mile drainage.
OK	Not referenced in Oklahoma Department of Mines rules and regulations.
OR	Varies – site specific.
PA	100 feet. Waivers may be granted with approval from state commission.
SC	Site specific conditions and nature of mine is considered. Setbacks range from 50 to 100 feet.
SD	It depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, the operator is required to minimize any impacts to the prevailing hydrologic balance of the surrounding area.
TN	None
TX	None
UT	None specified.
VT	
VA	Mining activities must avoid waterways whenever possible, and there are specific requirements for road crossings.
WA	Variable but usually 200 feet or regulated under the Shoreline Management Act.
WI	Metallic mining cannot cause irreparable environmental damage to any surface water body.

State	Response:
WV	No mining within 100 feet of a public road, stream, lake or state, national or interstate park or other public property. This restriction does not apply to berms, drainage control structures and roads. Waivers may be granted only when, upon consideration of local land uses, the land use of and near the permitted area will be significantly enhanced by an alteration of the topography within the 100 foot barrier.
WY	No lateral distance but must protect stream from sediment and if mined through must divert the stream around the disturbance and restore the stream upon completion.

Question 33:**What lateral distance prohibitions or special requirements exist with regard to SIGNIFICANT HISTORIC FEATURES?**

State	Response:
AL	50 feet from the property line.
AK	General attempt to stay as far away as possible but no set distances in regulations.
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	Depends on distance needed to protect. No set number.
FL	Based on site-specific conditions.
GA	Demonstration of protective measures must be shown and approved.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	None
IA	None
KS	Site specific.
KY	Site dependent.
LA	
ME	Setbacks for gravel pit and quarries only apply to the property lines. A specific distance between an operation and a structure is not specified in the law.
MD	Site specific.
MI	None, but may be specified in permit.
MN	Mining exclusion for historic sites.
MS	300 feet.
MO	None
MT	Depends upon feature and impact.

State	Response:
NV	Covered in permit conditions.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Negotiated as part of application review and in coordination with the requirements of the State Historic Preservation Act.
NC	Site specific.
ND	
OH	N/A
OK	Not referenced in Oklahoma Department of Mines rules and regulations.
OR	Varies – site specific.
PA	Site specific with approval from state commission.
SC	Site specific conditions and nature of mine is considered.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	None
TX	150 feet with exceptions.
UT	None specified.
VT	
VA	None specifically.
WA	Variable.
WI	Metallic mining is prohibited in certain special areas named specifically in Statute.
WV	The State Historic Preservation Office must be notified and given the opportunity to review the site prior to mining. The mining plan may be designed to protect significant historic features.
WY	Varies based on recommendations from SHPO.

Question 34:**What lateral distance prohibitions or special requirements exist with regard to WETLANDS?**

State	Response:
AL	50 feet from the water line.
AK	None in regulations. Secure Corps of Engineers sign-off.
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	Varies depending on number needed to protect.
FL	Based on site-specific conditions.
GA	Minimum 25 foot undisturbed buffer.
IL	None
IN	Other state and federal agencies may have jurisdiction.
IA	None
KS	USDA Wetland Determination.
KY	No disturbance within 100 feet without consent.
LA	
ME	A natural buffer strip at least 75 feet wide must be maintained between the working edge of the excavation and a freshwater wetland consisting of or containing: (1) Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or (2) Peat lands dominated by shrubs, sedges and sphagnum moss.
MD	Minimum 25 feet – up to 100 feet.
MI	None, but may be specified in permit, and may require separate state wetland permit.
MN	No distance prohibitions. Special requirements: 1. State Wetland Conservation Act; 2. Clean Water Act, Corps 404 permit; Avoid, minimize, mitigate sequencing.
MS	Avoid/do not disturb.
MO	None

State	Response:
MT	Depends upon impact.
NV	Covered in USACE permit conditions.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Minimum of 100 feet from regulated wetlands.
NC	Generally minimum 50 foot undisturbed buffers are required along natural watercourses and wetlands. Wider buffers are required between floodplain gravel operations and rivers/streams (generally minimum 200 foot).
ND	
OH	N/A This is a Corps of Engineers issue.
OK	Not referenced in Oklahoma Department of Mines rules and regulations.
OR	Varies – site specific.
PA	Site specific with approval from state commission.
SC	Site specific conditions and nature of mine is considered. Setbacks range from 50 to 100 feet.
SD	It depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. The operator must also comply with US Army Corps of Engineers requirements for wetlands. For mine licenses, the operator is required to minimize any impacts to the prevailing hydrologic balance of the surrounding area.
TN	None
TX	None
UT	None specified.
VT	
VA	None specifically. U.S. Army Corps of Engineers requirements and/or other local or state ordinances apply.
WA	Variable.
WI	None specifically, but all mining must conform to NR 135 wetland protection standards.
WV	The Department of Natural Resources is notified of the permit application and given the opportunity to review and comment on the application. Wetlands must be identified, protected or mitigated.

State	Response:
WY	No lateral distance but must protect the wetland from sediment and if mined through must restore or mitigate as required by the US Army Corps of Engineers.

Question 35:

What lateral distance prohibitions or special requirements exist with regard to MINING DEPTH (AND PROXIMITY TO ADJOINING PROPERTY)?

State	Response:
AL	Depth is unlimited. 50 feet from the property line.
AK	Must maintain structural and hydrologic integrity.
AZ	
AR	None, however during reclamation the site must have a 10 foot buffer and then 3 to 1 slopes next to adjacent property lines.
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Each of the 67 counties has its own land use ordinances that may or may not specify setbacks.
GA	Minimum 25 foot buffer; 100 foot buffer for quarry operations; no restrictions on depth.
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	None
IA	None
KS	One foot lateral distance per one foot of depth.
KY	None
LA	
ME	No specific requirement.
MD	None
MI	No criteria on depth. For dune sand mines: 200 foot setback from property boundaries (with provision for exceptions).
MN	No specifics.
MS	No depth. Proximity to adjacent properties dependent on depth.
MO	None
MT	Site specific depending on projected impacts.
NV	None

State	Response:
NJ	25/50 feet depending upon the depth of the pit/quarry floor. Benching requirements: Uppermost = 65 feet max. Below top bench = 50 foot max.
NM	
NY	Setback requirements are as follows: “The perimeter of a temporary or permanent mine floor shall not be established closer to either the property line most nearly adjacent to the affected land or to any easement within or adjacent to the affected land than the following: a distance of 25 feet measured in a horizontal plane when the adjacent property or easement is at or below the proposed final elevation of the affected land; a distance equal to the sum of 25 feet plus one and one-half times the height of the mine face in an unconsolidated material or a distance equal to the sum of 25 feet plus one and one-quarter times the height of the mine face in a consolidated material, when the adjacent property is at a higher elevation than the affected land.”
NC	Generally, lateral distance buffer is two times depth of mine.
ND	
OH	50 feet.
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	Highwall 25 feet from the property line required. More is required if necessary for safety and reclamation feasibility.
SC	Site specific conditions, nature of mine and where appropriate geology and geotechnical characteristics of site are considered.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	None
TX	Not create a cut within 100 feet or one times the depth of a cut (whichever is greater) of any pipeline.
UT	None specified.
VT	
VA	Mining activities cannot take place within 5 feet of an adjacent property without written consent. Cuts and fills cannot be made closer than 25 feet to the permit boundary. Other site specific issues are addressed in permit review.
WA	Setbacks must be at least 1.5 times the height of the highwall.
WI	None specifically.

State	Response:
WV	No limits on mining depth. No mining within 25 feet of a property line. This distance prohibition does not apply to tree plantings, berms, visual barriers, vegetation, drainage structures or access ways.
WY	No specific prohibitions on depth but must be able to reclaim to the adjacent undisturbed land.

Question 36:**What lateral distance prohibitions or special requirements exist with regard to PUBLIC WATER SUPPLIES?**

State	Response:
AL	50 feet from the property line or right of way.
AK	Must maintain structural and hydrologic integrity.
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	200 feet from structures, unless waiver from structure owner is obtained.
FL	Based on site-specific conditions. Each of the 67 counties has its own land use ordinances that may or may not specify setbacks.
GA	Same as rivers (minimum 25 foot buffer; trout streams require minimum 50 foot undisturbed buffer).
IL	In permitted areas, the stripping of overburden cannot take place in the setback area (distance to the property line) which is 1.5 feet for every foot of unconsolidated materials plus 10 feet.
IN	None
IA	None
KS	Site specific.
KY	None
LA	
ME	Gravel pits and quarries: 200 feet dug well, 100 feet drilled well, 300-1000 feet public water supply (based on population served). If excavating below the water table: 300 feet for private well. Metallic mineral mining: mine waste unit 1000 feet private or public well, excavation 1000 feet from a public well, and 300 feet from private well. 1000 feet for public well.
MD	Site specific.
MI	For solution mining wells: 300 feet from fresh water wells. For other mining operations: none, but may be specified in permit.
MN	No specifics.
MS	None
MO	None

State	Response:
MT	Site specific depending upon projected impacts.
NV	Covered in permit conditions.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	None specified. Situation dealt with during the review of the application or the review of an Environmental Impact Statement, if one is required.
NC	Site specific – depends upon hydrogeologic study.
ND	
OH	This is reviewed case-by-case. No set distance limitations.
OK	25 feet plus 1 and ½ times the deepest cut on the mine site must be left as a buffer zone between adjacent property owners.
OR	Varies – site specific.
PA	Requirement to identify supplies that may be affected, replacement plan, monitoring plan. Possibly a replacement agreement. Operator required to restore/replace affected supply.
SC	Site specific conditions and nature of mine is considered.
SD	It depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, the operator is required to minimize any impacts to the prevailing hydrologic balance of the surrounding area.
TN	None
TX	None
UT	None specified.
VT	
VA	Site specific issues like this are individually addressed in the permit review.
WA	Variable.
WI	None specifically.
WV	None, however water discharged from the permit must meet the effluent limits set by the NPDES permit.
WY	No specific distance prohibition but cannot disturb or impact the public water supply.

Question 37:**What lateral distance prohibitions or special requirements exist with regard to GROUNDWATER PROTECTION?**

State	Response:
AL	None by the state.
AK	Must maintain structural and hydrologic integrity.
AZ	
AR	None
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	Depends on distance needed to protect. No set number.
FL	Based on site-specific conditions.
GA	NPDES, Notice of Intent, monitoring required if below water table.
IL	None
IN	Other state agencies may have jurisdiction.
IA	None
KS	Site specific.
KY	None
LA	
ME	Gravel pits: A 5 foot separation is required between the pit floor and the seasonal high water table. Quarries: No separation distance required, but the operation may not extract rock below the water table without a variance obtained from the department. A mine waste unit requires a 5 foot separation.
MD	Site specific.
MI	Solution mining wells must have protective casing set 100 feet below all fresh water zones. None for other mining operations, but may be specified in permit.
MN	No specifics.
MS	None
MO	None

State	Response:
MT	Site specific depending upon projected impacts.
NV	Covered in permit conditions.
NJ	25/50 feet depending upon the depth of the pit/quarry floor.
NM	
NY	Mining into the groundwater is a permissible activity. If mining into the water table is not contemplated, usually a permit condition requiring a separation distance of at least 5 feet from the top of the seasonally high water table is required.
NC	Site specific – depends upon hydrogeologic study.
ND	
OH	Hydrology modeling is required for permit applications that will dewater. The model identifies a regulatory cone of depression for water well replacement of impacted wells.
OK	None
OR	Varies – site specific.
PA	Requirement to identify extent of impact, replacement plan for affected water supplies, monitoring plan. Operator required to restore or replace an affected groundwater supply.
SC	Site specific conditions and nature of mine is considered for groundwater protection.
SD	It depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, the operator is required to minimize any impacts to the prevailing hydrologic balance of the surrounding area.
TN	None
TX	None
UT	None specified.
VT	
VA	Permit applicants are required to assess the potential impact on the overall hydrologic balance of the area. If potential adverse effects are identified in that assessment, they must submit a plan for the mitigation of those adverse effects on water quality and quantity.
WA	Variable.
WI	Metallic mining cannot cause groundwater standard exceedances beyond certain regulatory boundaries (DMZ).

State	Response:
WV	A premining water assessment must be conducted which documents base level water quality and quantity. The permittee shall replace the water supply of an owner of interest in real property who obtains all or part of the owner's supply of water for domestic, agricultural, industrial or other legitimate use from an underground or surface source where the supply has been affected by contamination, diminution or interruption proximately caused by the mineral removal and associated activities unless the right of replacement is waived by the owner or unless the water supply is furnished by a public service district, municipality, government entity or some third party.
WY	No specific distance prohibition. There are provisions for the holder of the water right to sue the mine over impacts.

Question 38:**What lateral distance prohibitions or special requirements exist with regard to BLASTING?**

State	Response:
AL	
AK	OSHA and MSHA requirements.
AZ	
AR	Blasting at noncoal mines is regulated by the Arkansas Department of Labor.
CA	Any and all impacts would need to be addressed, regardless of distance, pursuant to the California Environmental Quality Act.
CO	Depends on specific technical analysis. Minimum of 200 feet from structures.
FL	Based on limits on the force of the blast at the nearest structure.
GA	Regulated by State Fire Marshall's Office.
IL	None
IN	None
IA	Iowa Department of Public Safety.
KS	300 feet.
KY	No blasting within 300 feet of a structure without a waiver.
LA	
ME	Quarries must meet the setback requirement for property lines (100 feet) and blasting must comply with the blast level chart developed by the US Bureau of Mines.
MD	100 feet property; 500 to 1,000 feet occupied dwelling.
MI	None
MN	Distance formula related to weight of charge and distance to nearest structure not owned by permittee.
MS	Dependent upon individual setting.
MO	None
MT	Site specific depending upon projected impacts.
NV	None

State	Response:
NJ	25/50 feet depending upon the depth of the pit/quarry floor. Within utility lines, railroads, highways, require notification of local authorities and owners of utility lines and compliance with the blasting regs. (12-140).
NM	
NY	No specific blasting regulations. Negotiated as part of the application review.
NC	Site specific – depends upon pre-mining blasting study.
ND	
OH	133 Decibels. 2.0 and sometimes less (inch per second).
OK	300 feet prohibition from structures 500 feet from transmission lines.
OR	Not specifically regulated.
PA	Z-curve, seismographed, scaled distance of 90, PA blasters only.
SC	Blasting cannot occur within 250 feet of property line and for new mines, within 700 - 1,000 feet of buildings not owned by mine company.
SD	For mine permits, the mining operation cannot adversely affect any significant, valuable, and permanent man-made structures within 200 feet of the affected land. It also depends on site specific circumstances. Can apply permit conditions to restrict disturbances in such areas. For mine licenses, all areas outside the affected land shall be protected from slides, subsidence, or damage during the mining operation.
TN	Notification when within 100 feet.
TX	None
UT	None specified.
VT	
VA	There are no distance prohibitions. There are performance standards on maximum allowable airblast and vibration.
WA	Variable.
WI	None specifically.
WV	If requested, preblast surveys are required for structures within 1500 feet of the blasting area. Vibration and airblast limits are set by a scaled distance formula or by complying with limits monitored by seismograph. Blasting logs are required to be kept and maintained. Blasting within 1000 feet of a protected structure requires a site specific blasting plan.
WY	There are no specific requirements concerning blasting. We normally strongly encourage with good success that the operator commit to many of the regulations regarding coal mine blasting to avoid being a public nuisance.

Question 39:**Is an evaluation of the lateral distance issues above conducted during permit review?**

State	Yes	No	If yes, please specify for which issues:
AL	x		All are applicable.
AK	x		All issues pertaining to safety of personnel, public and property.
AZ			
AR		x	
CA		x	
CO	x		
FL	x		
GA	x		All.
IL	x		Point of excavation to adjoining property line.
IN		x	No lateral restrictions.
IA	x		
KS		x	
KY	x		Blasting buffers are shown in the mine map.
LA			
ME		x	All setbacks are specified by statute or rule.
MD	x		All of above.
MI	x		Adjacent structures, roads, utilities, oil and gas wells, rivers, lakes, streams, wetlands, water supplies, noise receptors, sites of contamination, etc.
MN	x		28, 29, 32.
MS	x		
MO	x		Those with 50 feet listed in previous questions.
MT	x		
NV	x		
NJ		x	
NM			
NY	x		All of the above.
NC	x		All of the above.
ND			
OH	x		Blasting plan is submitted.
OK			Field review conducted during permit review.
OR	x		Site specific.

State	Yes	No	If yes, please specify for which issues:
PA	x		All.
SC	x		Adjacent properties, public roads, utilities, public parks, surface water bodies, and significant cultural and historic resources.
SD	x		For mine permits, all of the issues in numbers 28 through 38 are evaluated during the permit review. For mine licenses, this evaluation is not required.
TN	x		All.
TX			
UT	x		Only in those circumstances where there would be facilities within 500 feet of the proposed mining operations. In most cases we would consult with other agencies or entities with jurisdiction over any of these criteria.
VT			All issues are considered during the permit review.
VA	x		
WA	x		Depends on site specific issues and soil types.
WI	x		All these issues are addressed in the EIS process.
WV	x		All distance issues have to be addressed in the permit application.
WY	x		All of the above are reviewed for specific impact.

Question 40:**Describe the statutory authority to enter and inspect mining operations:**

State	Is entry pursuant to administrative authority? (Y/N)	Is prior notice required? (Y/N)	Are police powers required to enter? (Y/N)
AL	Yes	No	No
AK	Yes	Yes	No
AZ			
AR	Yes	No	No
CA	Yes	No	No
CO	Yes	Yes	
FL	Yes	Yes	Yes
GA	No	No	No
IL	Yes	No	No
IN	Yes	No	No
IA	Yes	No	No
KS	Yes	Yes	No
KY	Yes	No	No
LA			
ME	Yes	Yes	No
MD	Yes	No	No
MI	Yes	No	No
MN	Yes	Yes	No
MS	Yes	No	No
MO	Yes	No	No
MT	Yes	No	Yes
NV	Yes	No	No
NJ	Yes	No	No
NM	Yes	No	No
NY	Yes	Yes	No
NC	Yes	No	No
ND	Yes		
OH	Yes	No	No
OK	No	No	No
OR	Yes	Yes	

State	Is entry pursuant to administrative authority? (Y/N)	Is prior notice required? (Y/N)	Are police powers required to enter? (Y/N)
PA	Yes	No	No
SC	Yes	No	No
SD	Yes	No	No
TN	Yes	No	No
TX	Yes	No	No
UT	Yes	No	No
VT			
VA	Yes	No	No
WA	Yes	No	No
WI	Yes	No	No
WV	Yes	No	No
WY	Yes	No	No

**Question 41:
Is a PERMIT FEE required for UNDERGROUND MINING?**

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR		x	
CA	x		Fee varies by county/city.
CO	x		Fees vary on type of mine and size.
FL			N/A
GA			N/A
IL		x	
IN		x	
IA	x		\$50 per year; \$35 annual renewal
KS		x	
KY	x		\$125 per 5 year term; \$25 per year for amendments, etc. for remainder of the 5 year term.
LA			
ME	x		Metallic mineral mining: \$30,000 application fee and \$10,000 annual fee. Modification/amendment fee is ½ processing fee plus ½ license fee = \$20,000.
MD	x		Only based on surface acreage. Fee = \$12/acre/year. Modification = \$100 plus acreage fee.
MI		x	
MN	x	x	Depends on permit.
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		
NJ			N/A
NM	x		Varies depending on the type of permit.
NY	x		All mines are subject to annual regulatory fees based on amount of acres affected by mining, both surface and underground. Sliding scale from \$4,000 to \$8,000 per year.
NC		x	
ND			
OH		x	
OK	x		\$175.00 per year.
OR	x		Cost of permitting.

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
PA	x		Amendment \$2,650; Transfer \$900; Administration Fee \$1,450/year. Fees include and application (review) fee upon submittal and an annual admin. Fee in order to cover cost of inspection.
SC	x		Currently, no underground mining. However, underground mining is subject to the existing state mine law. Annual operating fee (permit) \$375, significant modification fee \$600, minor modification no fee life of mine permit, no renewal fees.
SD	x		Large scale mine permit fee \$1,000; small scale mine permit fee \$100; large scale previous metal, coal, or uranium mine permit amendment fee \$5,000; large and small scale mine permit annual renewal fee \$100; large scale mine permit amendment fee \$1,000; small scale mine permit amendment fee \$100.
TN		x	
TX			N/A
UT	x		\$150 per year fee for small mines; \$500 per year fee for mines between 5 acres and 50 acres; \$1,000 per year for mines larger than 50 acres. No fee is required for modifications to a permit.
VT			
VA	x		\$31 per acre of surface land affected by mining initially, and \$16 per acre yearly thereafter.
WA	x		Depends on amount mined.
WI	x		Metallic mining – the applicant is responsible for reimbursing the DNR for all costs associated with reviewing the mine permit. Nonmetallic mining – annual fee.
WV	x		Application fee – \$1,000; permit fee – \$1,000; renewal fee – \$500; major modification fee – \$500; minor modification fee – \$200; permit transfer fee – \$500.
WY	x		Fee of \$100.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00. No renewal fee. No fee for modifications. Amendments are \$200.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00.

Question 42:
Is a LICENSE FEE required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		\$100
AZ			
AR		x	
CA		x	
CO		x	
FL			N/A
GA			N/A
IL		x	
IN		x	
IA	x		\$50; \$10 annual renewal
KS	x		\$300.00 for initial license. \$25.00 renewal fee.
KY		x	
LA			
ME		x	
MD		x	
MI		x	
MN		x	
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV		x	
NJ			N/A
NM		x	
NY		x	
NC		x	
ND			
OH		x	
OK		x	
OR		x	
PA	x		Coincident with surface license \$500 per year.

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
SC		x	
SD	x		Mine license annual fee \$100 per licensed site..
TN		x	
TX			N/A
UT		x	
VT			
VA	x		Less than 5 acres – \$180/year; more than 5 acres – \$400/year.
WA			
WI	x	x	Metallic mining – yes, for waste rock disposal areas. Nonmetallic – no.
WV		x	
WY	x		\$25.00 – no renewal, modification or amendment fee.

Question 43:
Is a RECLAMATION FEE required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR		x	
CA	x		Fee to process reclamation plan – varies by county/city.
CO		x	
FL			N/A
GA			N/A
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME		x	
MD		x	
MI		x	
MN		x	
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		
NJ			N/A
NM		x	
NY		x	
NC		x	
ND			
OH		x	
OK		x	
OR	x		Cost of permitting.
PA		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
SC		x	
SD		x	
TN		x	
TX			N/A
UT		x	
VT			
VA			Disturbed surface areas are initially bonded at \$1,000 per acre. After 5 years of acceptable performance, the operator enters the Mineral Reclamation Fund. The existing bond is released, and the disturbed surface acreage is assessed at \$50 per acre initially, and \$12.50 per acre thereafter on an annual basis.
WA	x		Depends on amount mined.
WI	x		Metallic mining – must post a bond equivalent to the cost of reclaiming the site. Nonmetallic mining – must also post a reclamation bond.
WV		x	
WY		x	

Question 44:
Is an APPLICATION FEE required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR		x	
CA	x		Fee to process reclamation plan – varies by county/city.
CO	x		Fees vary on type of mine and size.
FL			N/A
GA			N/A
IL		x	
IN		x	
IA		x	
KS		x	
KY	x		\$125 per 5 year term; \$25 per year for amendments, etc. for remainder of the 5 year term.
LA			
ME	x		Metallic mineral mining: \$30,000 application fee and \$10,000 annual fee. Modification/amendment fee is ½ processing fee plus ½ licensing fee = \$20,000.
MD	x		Surface acreage only.
MI	x		For nonferrous metallic mines, \$5,000 for permit application. For brine and solution mining wells, \$500.
MN		x	Depends on permit (ferrous vs. non-ferrous).
MS			N/A – No underground mining in the state.
MO		x	
MT	x		\$500 - \$1,000 annual fee.
NV	x		
NJ			N/A
NM	x		Varies depending on the type of permit.
NY		x	
NC		x	
ND			
OH		x	
OK	x		\$175.00 per year.
OR	x		Cost of permitting.

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
PA	x		\$20,225
SC	x		Currently, no underground mining. However, underground mining is subject to the existing state mine law. Application fee \$600.
SD	x		See answers to questions 41 and 42. The application fee is the same as the permit and license fee.
TN		x	
TX			N/A
UT	x		This is the same as a permit fee submitted at the time of application.
VT			
VA		x	
WA	x		\$2,500
WI	x	x	Metallic mining – \$10,000.00 initial application fee. Nonmetallic mining – no.
WV	x		Application fee - \$1,000. Permit fee – \$1,000. Renewal fee – \$500. Major modification fee – \$500. Minor modification fee – \$200. Permit transfer fee – \$500.
WY	x		Fee of \$100.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00. No renewal fee. No fee for modifications. Amendments are \$200.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00.

Question 45:
Is an ACREAGE FEE required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations. Additional bond to cover reclamation.
AZ			
AR		x	
CA		x	
CO		x	
FL			N/A
GA			N/A
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME		x	
MD	x		Surface acreage only.
MI		x	
MN	x		Depends on mineral.
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		
NJ			N/A
NM	x		
NY		x	
NC		x	
ND			
OH		x	
OK		x	
OR		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
PA		x	
SC		x	
SD		x	
TN		x	
TX			N/A
UT		x	
VT			
VA	x		Only for the surface disturbance.
WA		x	
WI		x	
WV		x	
WY	x		\$10.00 per acre (see response to question no. 44).

Question 46:
Is a SEVERANCE TAX required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		Ten cents per ton. Marble, limestone, and dolomite are exempt.
AK		x	
AZ	x		2.5% on metals
AR	x		The Arkansas severance tax statute does not separate surface mining from underground mining. a) Barite, bauxite, titanium ore, manganese and manganese ores, zinc ore, and cinnabar: 15 cents per ton; b) Iron ore: 2 cents per ton; c) Gypsum not used for manufacturing within Arkansas into ultimate consumer goods or sold for manufacturing within Arkansas into ultimate consumer goods, and chemical grade limestone, silica sand, and dimension stone: 1.5 cents per ton; d) Crushed stone, including but not limited to chert, granite, slate, novaculite and limestone; construction sand, gravel, clay, chalk, shale, and marl: 1 cent per ton; e) Additional severance tax – stone and crushed stone, chert, granite, slate, novaculite, sand, gravel, clay, chalk, shale, marl, and limestone (not ag lime): 3 cents per ton.
CA	x		Five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined within the state and shall deposit the fees collected in the Abandoned Mine Reclamation and Minerals Fund Subaccount.
CO	x		Only for gold, oil shale, molybdenum
FL			N/A
GA			N/A
IL		x	
IN		x	
IA		x	
KS		x	
KY			N/A
LA			
ME	x		Annual excise tax shall be the greater of the following: 1. Value of facilities and equipment multiplied by 0.005; 2. Tax on gross proceeds multiplied by 0.009.
MD		x	
MI		x	
MN	x		Depends on mineral.
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		
NJ			N/A
NM		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
NY		x	
NC		x	
ND			
OH		x	
OK	x		1 cent per ton mined.
OR		x	
PA		x	
SC		x	
SD	x		Tax only applied to precious metals. The precious metals severance tax is \$4/ounce plus 10% of net proceeds. Additional tax is required based on the price of gold as follows: \$1 more per ounce if price is \$500 or more; \$2 more per ounce if price is \$600 or more; \$3 more per ounce if price is \$700 or more; and \$4 more per ounce if price is \$800 or more. Energy minerals including uranium, coal, and oil and gas are subject to a 4.5 percent severance tax.
TN			Unknown – Department of Revenue.
TX			N/A
UT		x	
VT			
VA		x	
WA		x	
WI		x	
WV	x		Administered by the State Tax Department – \$0.05 per \$100.00. The severance tax is not used for the quarry program.
WY	x		Jurisdiction is with the Wyoming Department of Revenue and varies with mineral type.

Question 47:
Are any OTHER FEES required for UNDERGROUND MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK		x	
AZ			
AR		x	
CA	x		Annual reporting fee
CO	x		Annual fee
FL			N/A
GA			N/A
IL		x	
IN		x	
IA		x	
KS	x		\$25.00 site renewal each year
KY			N/A
LA			
ME		x	
MD		x	
MI	x		For nonferrous metallic mines, surface iron mines, and dune sand mines: annual fees during operation and reclamation in amount equal to legislative appropriation, calculated on per ton of material moved (nonferrous) and ton of product (iron and dune sand). For brine and solution mining wells, \$500/well annual operating fee.
MN	x		Varies
MS			N/A – No underground mining in the state.
MO		x	
MT		x	
NV	x		
NJ			N/A
NM	x		Annual fees are required.
NY		x	
NC		x	
ND			
OH		x	
OK	x		Reclamation bond for surface effect.

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OR		x	
PA	x		Bonding Increment \$450; Blast Plan \$475; Completion Report \$600; Notice of Intent to Explore \$60; Pre-application \$3,375; NPDES \$1,000 (\$500 for renewal, modification or transfer).
SC	x		Currently, no underground mining. However, underground mining is subject to the existing state mine law. Permit transfer fee \$600.
SD		x	
TN		x	
TX			N/A
UT		x	
VT			
VA		x	
WA	x		For other permits such as NPDES, etc.
WI	x		Any other fees required to obtain necessary local, state, or federal permits.
WV	x		NPDES permit – \$1,000; NPDES renewal – \$1,000; NPDES modification – fee is calculated based upon water discharge rates.
WY		x	

**Question 48:
Is a PERMIT FEE required for SURFACE MINING?**

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		\$250.00 per year. Renewal fee is \$250.00. Modification or Amendment fee is \$50.00.
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR		x	
CA	x		Fee varies by county/city.
CO	x		
FL			
GA		x	
IL	x		\$100 per acre.
IN	x		\$100.00 per permit and all subsequent renewal applications.
IA	x		\$50 to register; \$35 annual renewal
KS		x	
KY	x		\$125 per 5 year term; \$25 per year for amendments, etc. for remainder of 5 year term.
LA			
ME	x		Quarry and gravel pits: \$250 registration fee and an annual fee (\$100 - \$400) based on the amount of material removed. Metallic mineral mining: \$30,000 application fee and \$10,000 annual fee. Modification/amendment fee is ½ processing fee plus ½ license fee = \$20,000.
MD	x		\$12 acre plus \$30 reclamation acre. Renewal is \$12 acre. Amendment is \$100 plus acres fees.
MI		x	
MN	x	x	Depends on permit.
MS	x		\$100 to \$50/acre. Max \$500.
MO	x		\$500 original and annually. None for midyear changes.
MT		x	
NV	x		
NJ	x		\$50.00 payable yearly upon mine registration certificate renewal.
NM	x		
NY	x		All permits, surface and underground are assessed an annual regulatory fee based on the amount of acreage affected by mining. Annual amounts range from \$4,000 to \$8,000 per year.
NC		x	
ND	x		\$100

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OH	x		Permit application fee \$500; Renewal \$1,000; Amendment \$500; Annual fee \$500; \$250 for less than 10,000 tons/year.
OK	x		\$175.00 per year.
OR	x		Varies by amount produced.
PA	x		Major Amendment with Groundwater \$3,850; Major Amendment Without Groundwater \$1,600; Transfer \$900; Minor Amendment (Large Site) \$700 or (Small Site) \$175. Administration Fees: Large \$1,450/year; Large with Blasting \$1,850/year; Small \$200/year; Small with Blasting \$300/year; General Permit \$200/year; Not Started or Not Active \$100/year.
SC	x		Annual operation fee (permit) \$375; significant modification fee \$600; minor modification – no fee Life of Mine permit; no renewal fees.
SD	x		Large scale mine permit fee \$1,000; large scale precious metal, coal, or uranium permit fee \$50,000; small scale mine permit fee \$100; large and small scale mine permit annual renewal fee \$100; large scale mine permit amendment fee \$1,000; small scale mine permit amendment fee \$100; large scale precious metal, coal, or uranium permit amendment fee \$5,000.
TN	x		\$250/year permit fee; \$50 modification fee.
TX		x	
UT	x		\$150 per year fee for small mines; \$500 per year fee for mines between 5 acres and 50 acres; \$1,000 per year for mines larger than 50 acres. No fee is required for modifications to a permit.
VT			
VA	x		\$31 per acre of surface land affected by mining initially, and \$16 per acre yearly thereafter.
WA	x		Depends on amount mined: \$1,250 for 0-50,000 tons; \$2,500 for 50,000-350,000 tons; \$3,500 for >350,000 tons.
WI	x		Metallic mining – the applicant is responsible for reimbursing the DNR for all costs associated with reviewing the mine permit. Nonmetallic mining – annual fee. (No distinction between underground and surface mining in Wisconsin law.)
WV	x		Application fee – \$1000. Permit fee – \$1,000. Renewal fee – \$500. Major modification fee – \$500. Minor modification fee – \$200. Permit transfer fee – \$500.
WY	x		Fee of \$100.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00. No renewal fee. No fee for modifications. Amendments are \$200.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00.

Question 49:
Is a LICENSE FEE required for SURFACE MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		\$100
AZ			
AR		x	
CA		x	
CO		x	
FL	x		
GA		x	
IL		x	
IN		x	
IA	x		\$50; \$10 annual renewal
KS	x		\$300.00 for initial license fee. Renewal fee by regulation: \$25 to \$150 based upon tons produced previous calendar year.
KY		x	
LA			
ME	x		Quarry and gravel pits: \$250 registration fee and an annual fee (\$100 - \$400) based on the amount of material removed. Metallic mineral mining: \$30,000 application fee and \$10,000 annual fee. Modification/amendment fee is ½ processing fee plus ½ license fee = \$20,000.
MD	x		\$300 new and \$150 renewal. No amendment allowed.
MI		x	
MN		x	
MS		x	
MO		x	
MT		x	
NV		x	
NJ		x	
NM		x	
NY		x	
NC		x	
ND		x	
OH		x	
OK		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OR		x	
PA	x		\$500/year (large operator); \$50/year (small operator).
SC		x	
SD	x		Mine license annual fee \$100 per licensed site. No amendment fee as amendments are not required.
TN		x	
TX		x	
UT		x	
VT			
VA	x		Less than 5 acres – \$180/year; more than 5 acres – \$400/year.
WA			
WI	x		Metallic mining – yes, for waste rock disposal areas. Nonmetallic – no. (No distinction between surface and underground mining in Wisconsin law.)
WV		x	
WY	x		\$25.00 – no renewal, modification or amendment fee.

Question 50:
Is a RECLAMATION FEE required for SURFACE MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		\$0
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR		x	
CA	x		Fee to process reclamation plan – varies by county/city.
CO		x	
FL	x		A few of the counties have a reclamation program that requires a fee.
GA		x	
IL	x		\$100.00 per acre.
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME		x	
MD	x		\$30 per acre.
MI		x	
MN		x	
MS		x	
MO		x	
MT		x	Reclamation bonds only.
NV	x		
NJ		x	
NM		x	
NY		x	
NC		x	
ND	x		Bond = \$2,000 per acre.
OH		x	
OK		x	
OR	x	x	
PA		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
SC		x	
SD		x	
TN		x	
TX		x	
UT		x	
VT			
VA	x		Disturbed surface areas are initially bonded at \$1,000 per acre. After 5 years of acceptable performance, the operator enters the Mineral Reclamation Fund. The existing bond is released, and the disturbed surface acreage is assessed at \$50 per acre initially, and \$12.50 per acre thereafter on an annual basis.
WA	x		Same as surface mining fee. Depends on amount mined.
WI	x		Metallic mining – must post a bond equivalent to the cost of reclaiming the site. Nonmetallic mining – also must post a reclamation bond. (No distinction between underground and surface mining in Wisconsin law.)
WV		x	
WY		x	

Question 51:
Is an APPLICATION FEE required for SURFACE MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		\$0
AK	x		Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR	x		Open-cut mining has a fee of \$10 per acre to be permitted with a \$200 minimum. Renewal and modification fee is \$100. The Quarry law has a \$250 fee.
CA	x		Fee varies by county/city.
CO	x		Fees vary on type of mine and size.
FL	x		
GA		x	
IL		x	
IN	x		The \$100 fee indicated under "Permit Fee" above is also the application fee. The total fee for a permit is \$100.
IA		x	
KS		x	
KY	x		\$125
LA			
ME	x		Metallic mineral mining: \$30,000 application fee and \$10,000 annual fee. Modification/amendment fee is ½ processing fee plus ½ license fee = \$20,000.
MD	x		Acreage fees
MI	x		For nonferrous metallic mines, \$5,000 for permit application.
MN	x		Depends on permit.
MS		x	
MO		x	
MT	x		\$500 - \$100 annual fee.
NV	x		
NJ		x	
NM	x		
NY		x	
NC	x		Fees range from \$100.00 to \$5,000.00 depending upon size and commodity and type of permit action requested.
ND		x	
OH	x		\$500 Application fee; \$1,000 Renewal fee; \$500 Amendment fee.

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OK	x		\$175.00 per year.
OR	x		Varies by production.
PA	x		Large with Groundwater Pumping \$20,225; Large without Groundwater Pumping \$13,500; Small \$525.
SC	x		Application fee \$600; Life of Mine permit – no renewal fee; significant permit modification \$600; minor permit modification – no fee.
SD	x		See answers to questions 48 and 49. The application fee is the same as the permit and license fee.
TN		x	
TX	x		Initial application fee – \$400. Renewal application fee – \$400.
UT	x		This is the same as the permit fee submitted at the time of application.
VT			
VA		x	
WA	x		\$2,500
WI	x	x	Metallic mining – \$10,000.00 initial application fee. Nonmetallic mining – no. (No distinction between underground and surface mining in Wisconsin law.)
WV	x		Application fee – \$1,000. Permit fee – \$1,000. Renewal fee – \$500. Major modification fee – \$500. Minor modification fee – \$200. Permit transfer fee – \$500.
WY	x		For Wyoming, the application and permit are identical. Fee of \$100.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00. No renewal fee. No fee for modifications. Amendments are \$200.00 plus \$10.00 for each acre within the permit. Capped at \$2,000.00.

Question 52:
Is an ACREAGE FEE required for SURFACE MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		\$2,500.00 per acre
AK	x		Bond for full amount of reclamation. Ranges from \$150 for small operations to \$10,000 for largest operations.
AZ			
AR	x		Annual fee for open-cut operations is \$10 per affected acre for the first 100 acres, \$7.50 per acre for the second affected 100 acres and \$5 per affected acre above 200 acres. The quarry law has an annual fee of \$25 per affected acre with a cap of \$1,000.
CA		x	
CO		x	
FL		x	
GA		x	
IL	x		\$100.00 per acre.
IN	x		\$50 per acre or fraction of an acre.
IA		x	
KS	x		\$40 per affected acre in previous calendar year.
KY		x	
LA			
ME		x	
MD	x		\$12 per acre.
MI		x	
MN	x	x	Varies.
MS		x	
MO	x		\$5 per acre annually.
MT		x	
NV	x		
NJ		x	
NM	x		
NY		x	
NC		x	
ND	x		\$2,000/acre
OH	x		\$75/acre
OK		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OR			
PA		x	
SC		x	
SD		x	
TN	x		\$25/acre up to 100 acre maximum. One time fee.
TX	x		Approved permit application acreage fee – \$10 per acre.
UT		x	
VT			
VA		x	
WA		x	
WI		x	
WV		x	
WY	x		\$10.00 per acre (see response to question no. 44).

**Question 53:
Is a SEVERANCE TAX required for SURFACE MINING?**

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL	x		10 cents per ton
AK		x	
AZ	x		2.5% on metals
AR	x		The Arkansas severance tax statute does not separate surface mining from underground mining. See answer to Question 46 for fee amounts.
CA	x		Five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined within the state and shall deposit the fees collected in the Abandoned Mine Reclamation and Minerals Fund Subaccount.
CO	x		Yes only for gold, oil shale, molybdenum.
FL	x		Tax required only for the severance of phosphate (\$1.62/ton annually adjusted), heavy minerals (\$1.34/ton annually adjusted) and fuller's earth (8% of value).
GA		x	
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME	x		Annual excise tax shall be the greater of the following: (1) Value of facilities and equipment multiplied by 0.005; (2) Tax on gross proceeds multiplied by 0.009. There is no severance tax on the removal of sand, gravel or aggregate.
MD		x	
MI		x	
MN	x		Varies – depends on mineral.
MO		x	
MS		x	
MT		x	
NV	x		
NJ		x	
NM		x	
NY		x	
NC		x	
ND			

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
OH	x		4 cents per ton for salt; 2 cents per ton for limestone/gravel; 1 cent per ton for sandstone, shale, quartzite.
OK	x		1 cent per ton mined.
OR		x	
PA		x	
SC		x	
SD	x		Tax only applied to precious metals. The precious metals severance tax is \$4/ounce plus 10% of net proceeds. Additional tax is required based on the price of gold as follows: \$1 more per ounce if price is \$500 or more; \$2 more per ounce if price is \$600 or more; \$3 more per ounce if price is \$700 or more; and \$4 more per ounce if price is \$800 or more. Energy minerals including uranium, coal, and oil and gas are subject to a 4.5 percent severance tax.
TN			Unknown – Department of Revenue.
TX		x	
UT		x	
VT			
VA	x		Individual counties may impose a tax or fee which varies from county to county.
WA		x	
WI		x	
WV	x		Administered by the State Tax Department – \$0.05 per \$100.00. The severance tax is not used for the quarry program.
WY	x		Jurisdiction is with the Wyoming Department of Revenue and varies with mineral type.

Question 54:
Are any OTHER FEES required for SURFACE MINING?

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
AL			
AK	x		Substantial number of state, federal and local government fees and charges are added to process, depending on location and mine type.
AZ			
AR		x	
CA	x		Annual reporting fee
CO	x		Annual fee
FL	x		Each of the various state, regional and local approving agencies has its own fee schedule.
GA		x	
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA			
ME	x		Under the performance standards for gravel pits and rock quarries, a variance can be requested by the applicant. The variance fee is between \$250 - \$500.
MD	x		Land recordage fee on deed \$43.
MI		x	
MN	x		Varies
MS		x	
MO	x		Site fee of \$300 annually.
MT		x	
NV	x		
NJ		x	
NM	x		Annual fees are required.
NY		x	
NC		x	
ND		x	
OH		x	
OK	x		Reclamation bond for surface affect.
OR		x	

State	Yes	No	If yes, please indicate fee amount, renewal fee, and modification or amendment fee:
PA	x		Bonding Increment \$450; Completion Report \$600; Blast Plan \$475; Notice of Intent to Explore \$60; Pre-application \$3,375; NPDES \$1,000 and \$500 renewal/modification/transfer or General Permit NPDES \$250.
SC		x	
SD		x	
TN		x	
TX		x	
UT		x	
VT			
VA	x		Transfer fee – \$16 per acre; renewal fees – \$31 per acre of surface land affected by mining initially, and \$16 per acre yearly thereafter. Amendment fee – none other than those required by acreage increase.
WA	x		Permit revision fee \$1,000.
WI	x		Any other fees required to obtain necessary local, state or federal permits.
WV	x		NPDES permit – \$1,000; NPDES renewal – \$1,000; NPDES modification – fee is calculated based upon water discharge rates.
WY		x	

Question 55:

Check appropriate box(es) if your law provides for a public comment process and/or a public hearing to be held at the REGULATORY DEVELOPMENT stage:

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
AL			
AK	x	x	Normal 30-day comment period following public hearing(s).
AZ			
AR	x	x	After a regulation public hearing there is a 20 day comment period.
CA	x	x	Varies. Generally 30 days.
CO	x	x	Varies.
FL	x	x	14 days for state rules. Each of the 67 counties has its own ordinance adoption process.
GA		x	Public has 30 days from issuance of permit to contest.
IL			After company files the application, the county board in which the mining is to take place has 45 days in which to request a hearing on the reclamation plan only. Public cannot request a hearing.
IN			N/A
IA			N/A
KS	x	x	Public hearing only if the county has planning/zoning requirements.
KY			N/A
LA			
ME			For metallic mineral mining a 45-day comment period is required for the EIR scoping document and a 30-day comment is required for baseline monitoring plans.
MD	x	x	Public comment is accepted any time. Public hearing within 45 days of complete application. Comment typically 14 days beyond hearing.
MI	x	x	Hearing on proposed rules with 28 days for comment.
MN	x		DEIS 30 days; FEIS 30 days.
MS	x	x	Public hearing if requested during review.
MO	x	x	Comments = 8 weeks. Hearing if requested.
MT	x	x	Public comment period on proposed rules is a minimum of 28 days. A public hearing is not required unless requested by 25 persons or 10% regulated community. However a public hearing is usually held on major rulemaking. Hearing must be held at least 20 days after public notice.
NV	x	x	
NJ	x	x	30 days.
NM	x	x	

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
NY	x	x	Hearings are required for promulgation of new regulations.
NC			
ND			
OH	x	x	
OK	x	x	Informal conference is held if specifically requested in writing within 14 days of final publication (4 th) in a local newspaper.
OR	x	x	Varies by commodity.
PA	x	x	Upon request.
SC	x	x	A Notice of Drafting is first published in The State Register before regulation drafting begins. Provides notice to public that the agency is beginning the process of drafting regulations. When the draft regulation is completed, it is published in the State Register as a Notice of Proposed Regulation with a 30 day comment period. At the end of the comment period, staff holds “informational forum” for further public comment. Staff incorporates appropriate public comments into Proposed Regulation. SC Dept. Of Health & Env. Board (Board) gives 30 days notice and holds public hearing for final public input. Board approved proposed regulation submitted to State Legislature for final approval. Legislature can approve regulation and it becomes final. If the proposed regulation is unacceptable to the Legislature, the proposed regulation is returned to agency for changes. If no action taken by Legislature, regulation becomes final in 120 days.
SD	x	x	When regulations are developed, the department allows the public to review and submit comments on draft copies of the proposed regulations. After the public comment period, a hearing is held before the Board of Minerals and Environment. A notice of hearing is published, and the public can attend the hearing. The board would either approve or reject the proposed regulations.
TN			Regulated by AG and UAPA.
TX	x		Varies, but usually 30-60 days depending on complexity of proposed rules.
UT	x	x	During any substantive rulemaking there is opportunity for comment (at least 30 days) and a public hearing is held before the Board of Oil, Gas & Mining.
VT			
VA	x	x	Governed by the VA Administrative Process Act.
WA	x		
WI	x	x	Public may comment on any DNR regulation at certain stages in the process. A public hearing can be held at the discretion of the Legislature.
WV	x	x	The state must develop a Rule Package to be submitted to the Legislature. At that time, there is a 30 day comment period that allows for comments from interested persons. A public hearing is optional unless required by legislation authorizing the Rule. The Agency must respond to all comments. After that, the Rule can be filed with the Legislative Rule Committee. The Rule can be reviewed during Interim Sessions and may be considered for passage during the regular Legislative Session.

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
WY	x	x	There is a 30 day public notice followed by an Advisory Board meeting. The Advisory Board recommends to proceed. Then there is a 45 day public comment period prior to a public hearing.

Question 56:

Check appropriate box(es) if your law provides for a public comment process and/or a public hearing to be held at the PERMIT REVIEW stage:

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
AL			
AK	x	x	During EIS process for large mines. Small mine operations exempt.
AZ			
AR	x	x	With the open-cut program, we have a 10 day comment period for an administratively complete application and if necessary we can hold a hearing after that comment period. There is a 30 day comment period with the notification of a Draft Permit Decision. Another hearing could also be held after this comment period. The quarry law requires public notice of the submission of an NOI to Quarry. If within the 10 day comment period after publication, 5 or more adjacent landowners within a half of a mile request a public meeting with the operator, ADEQ will recommend that the operator hold a public meeting within 2 weeks of the end of the comment period.
CA	x	x	Thirty days
CO	x	x	
FL			Each of the various state, regional and local approving agencies has its own public comment process.
GA	x	x	Comments are considered, and become part of the file. Public hearing only if deemed necessary by Branch Chief.
IL			None
IN			N/A
IA			N/A
KS			
KY	x	x	Comments received throughout. Public hearing may be requested within 15 days of N.O.I.
LA			
ME	x	x	Public comment is accepted at any time during the course of processing the application. A public hearing may be requested within 20 days of acceptance of an application. (See Chapter 2 Administrative Rules.)
MD		x	Upon complete application 45 days.
MI	x	x	For nonferrous metallic mines, hearing on application with 28 days for comment, and hearing on proposed permit decision with 28 days for comment. For brine and solution mining wells, hearing may be held if requested.
MN	x		30 day comment period for permit application. Public hearing is possible dependent on comments. Time period variable.
MS	x	x	During application review, 30 days after public notice.

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
MO	x	x	Comments = 6 weeks. Hearing , if approved, is a litigated case hearing that could take a few months.
MT	x	x	Noticed in newspaper for 3 consecutive weeks. Need for and length of public comment dependent on level of public interest. Need for public hearing dependent on level of public interest.
NV	x	x	
NJ			
NM	x		30 days after notice.
NY	x	x	All agency permits are processed in accordance with the Uniform Procedure Act which sets time frames for permit application reviews and established procedures for public notice provisions, public comment periods and public hearings. Complete applications are subject to public comment period of 30 days, to include request for public hearings. In addition, all complete applications for permits for areas not previously mined are sent to the Chief Administrative Officer of the mine location for comment within 30 days.
NC	x	x	Public comments are accepted throughout the application review until permit action is taken. Public hearing request must be made within 30 days of notification for new permits and modification to add new land to an existing permit.
ND	x	x	
OH	x	x	30 day public comment. Public hearing is held only if requested by a government or local agency.
OK	x	x	
OR	x	x	Only on metals.
PA	x	x	Upon request within 30 days of final public notice of application submission.
SC	x	x	Mine permit application is public noticed in local newspaper and mailed to land owners adjacent to proposed mine. The length of the public comment period is approximately 23 days. The public notice runs once per week for two consecutive weeks and the comment period extends an additional 15 days after the last publication in newspaper. If 10 or more people or an organization representing 10 or more people request a public hearing, a public hearing is held. At least 30 days notice must be given for public hearing. Notice of the public hearing is published in the local newspaper once per week for two consecutive weeks and mailed to persons or organization(s) requesting hearing.

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing.
SD	x	x	For mine permits, there is a notification process. When an application is received, interested persons are notified. Public notice is also published when the application is complete. We typically welcome public comment at any time during the process although it is not specified in law. On controversial applications, at times we hold information meetings to get comments. Also, a contested case hearing is publicly held for contested permits. For large scale permits, a hearing is to be held by the SD Board of Minerals and Environment for any contested case permit within 90 days of receipt of a complete application. A final decision is rendered within 120 days. There is a provision that allows the department to request a 45 day extension from the applicant. Small scale permit times are somewhat compressed. For mine licenses there is a 14 day comment period after a notice of intent is published. There are no hearing requirements for a mine license.
TN	x		Within 45 day minimum for permit issuance.
TX	x	x	Public comment – 30 days after public notice (four weeks – once per week). Public hearing – Commission determination upon review of written comments/objections filed in response to public notice.
UT	x	x	For large mines only, after the Division’s decision to tentatively approve or disapprove a notice of intent, there is a 30 day public comment period after which a hearing will be held if there are substantive objections.
VT			
VA		x	Persons within 1,000 feet of the proposed permit area are required to be notified by the operator of his intent to mine. Those persons then have 10 days to request a public hearing in writing. If requests are received, the public hearing is scheduled at a location near the proposed permit site, and is held after technical review of the permit application. The hearing officer’s decision is completed within 30 days of the hearing.
WA	x		At least 14 day comment period. Some up to 30 days.
WI	x	x	Metallic mining – public informational hearing within 90 days of the notice of intent. Master public hearing within 180 days of the EIS determination.
WV	x	x	When the permit application is complete, a Class III legal advertisement must be published in a newspaper of general circulation in the county or counties in which the proposed operation is located. The advertisement is run once per week for three consecutive weeks. The public comment period runs 30 days from the date of the original publication. During the advertisement period, a copy of the permit application is placed on file in the County Clerks office and in the nearest DEP regional office. Upon receipt of a written request of a person having expressed objections to the proposed permit, a public hearing must be held in the locality of the proposed operation.
WY	x	x	There is a four week public notice followed by a 30 day public comment period. If requested, a public hearing must be held within 20 days of the close of the public comment period unless all parties waive the deadline.

Question 57:

Check appropriate box(es) if your law provides for a public comment process and/or a public hearing to be held at the BOND RELEASE stage:

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
AL			
AK			N/A
AZ			
AR			
CA			
CO	x	x	
FL			For state agencies, no. Each of the 67 counties has its own ordinances.
GA			N/A
IL			None
IN			N/A
IA	x		Contact adjacent landowner
KS			
KY			N/A
LA			
ME			No public comment or hearing process is available for bond release.
MD		x	No
MI	x	x	For nonferrous metallic mines, public notice. Hearing may be held if requested.
MN			
MS	x		Adjoining landowners notified.
MO	x	x	Comments = 30 days. Hearing, if requested, could take a few months as a contested case hearing.
MT		x	No time period specified in law.
NV			No.
NJ			
NM	x	x	
NY			
NC			
ND			
OH			N/A

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
OK	x	x	
OR	x	x	Only on metals.
PA	x	x	Upon request within 30 days of final public notice of application submission.
SC			
SD	x	x	Although not required by law, a public notice is published for major bond release hearings (usually for large scale gold mines) at least two weeks prior to the hearing. A contested case hearing is held for major bond releases. For mine licenses, interested persons are mailed a list of mine license bond releases each month prior to the hearing.
TN			
TX	x	x	Public comment – 30 days after last public notice. Public hearing – Commissioner determination upon review of written comments/objections filed in response to public notice.
UT			
VT			
VA			
WA			
WI	x	x	Metallic mining – public hearing to be scheduled within 90 days of the 1.11 Stats. determination.
WV	x		Class I advertisement. Advertisement is published once with a 30 day comment period.
WY			

Question 58:

Check appropriate box(es) if your law provides for a public comment process and/or a public hearing to be held at the CITIZEN COMPLAINT stage:

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
AL			
AK			N/A
AZ			
AR			
CA			
CO	x	x	
FL			
IL			None
IN			N/A
IA	x		Follow-up with agency inspector
KS			
KY	x		Comments are received until the permit is issued.
LA			
ME			There is no formal public comment period or a public hearing at the complaint stage.
MD			
MI			
MN	x		Variable timing and process depends on nature of complaint.
MS			Complaints are investigated. No public hearing or comments.
MO	x		Complaints can be submitted at any time. The process is open-ended.
MT			
NV			No.
NJ			
NM			
NY		x	Public hearings can be requested during all stages. The agency is not required to conduct a public hearing for citizen complaints.
NC			Same as permit review.
ND	x	x	
OH	x	x	
OK	x		

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
OR			Varies
PA			
SC			
SD	x	x	Although not required by law, a public notice is sometimes published for a hearing on a citizen's complaint, depending on the nature of the complaint at least two weeks prior to the hearing. A contested case hearing is held for the complaint. For mine licenses, interested persons are notified when a citizen complaint will be heard by the board.
TN			
TX			None
UT	x	x	Any person who is aggrieved by a Division decision may file a request for agency action and hearing. The request for hearing must be made within 10 days of the publication of the notice.
VT			
VA			
WA			
WI			There is no "citizen complaint" stage.
WV	x	x	When the permit application is complete, a Class III legal advertisement must be published in a newspaper of general circulation in the county or counties in which the proposed operation is located. The advertisement is run once per week for three consecutive weeks. The public comment period runs 30 days from the date of the original publication. During the advertisement period, a copy of the permit application is placed on file in the County Clerks office and in the nearest DEP regional office. Upon receipt of a written request of a person having expressed objection to the proposed permit, a public hearing must be held in the locality of the proposed operation.
WY	x	x	The public has the right to submit a written complaint. No time period for our response. The public may appeal our decision within 30 days to our hearing council (Wyoming Environmental Quality Council).

Question 59:

Check appropriate box(es) if your law provides for a public comment process and/or a public hearing to be held at any OTHER stage:

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
AL			
AK			N/A
AZ			
AR			
CA	x	x	Approval of a reclamation plan and financial assurances would require a 30-day review and public hearing.
CO	x	x	Enforcement
FL			
GA			
IL			None
IN			N/A
IA			N/A
KS			
KY			N/A
LA			
ME	x		Some of laws administered by the Department such as waste discharge license allows public comment during an enforcement action.
MD			
MI			
MN	x		Substantial permit amendments require public notice; depending on comments, hearing may follow.
MS			
MO			
MT	x	x	Major permit modifications, such as reclamation plan modifications may require public comment and hearings. Noticed in newspaper for 3 consecutive weeks. Need for and length of public comment dependent on level of public interest. Need for public hearing dependent on level of public interest.
NV			No.
NJ			
NM			
NY	x	x	Permit modification stage. Same time frames as for new permits.

State	Public Comment Process	Public Hearing	If yes, indicate time period(s) for the public comment process and/or public hearing:
NC			
ND			
OH			
OK			
OR			Varies
PA	x	x	Major permit revision or transfer.
SC			
SD			
TN			
TX		x	Continuous violation – show cause hearing to suspend or revoke permit.
UT	x	x	At any time, someone that is aggrieved by a Division decision may file a request for agency action and hearing.
VT			
VA			
WA			
WI			
WV	x	x	Renewals, permit transfers and modifications require public notice. Public hearings can be requested for renewals and major modification.
WY			

Question 60:**What types of appeal procedures does your law provide for (e.g. administrative, judicial)?**

State	Response:
AL	Only the Department can institute legal action against an operator.
AK	Administrative
AZ	
AR	For both the open-cut law and the quarry law, we follow procedures of the Arkansas Pollution Control and Ecology Commission that allows for administrative review of permit decisions and enforcement actions. Any decision by the Commission can be appealed to Circuit Court.
CA	Administrative
CO	Administrative – Mined Land Reclamation Board (Board). Judicial after Board.
FL	Administrative law judge
GA	Judicial
IL	Administrative
IN	Administrative procedures
IA	Administrative and judicial
KS	Operator may appeal to the State Conservation Commissioners at their regularly scheduled meeting.
KY	
LA	
ME	There are two methods to appeal a licensing decision made by the Department: (1) in an administrative process before the Board of Environmental Protection; or (2) in a judicial process before the Maine Supreme Court.
MD	Judicial review.
MI	Administrative contested case hearing may be held upon filing of petition by interested party on a permit or other action. Appeal of contested case ruling may be filed in court.
MN	Administrative
MS	Administrative then judicial.
MO	Appeal to the State Commission and then to judicial review.
MT	Administrative first. Judicial.
NV	Administrative
NJ	Aggrieved persons may request an administrative hearing.
NM	Administrative and judicial
NY	Administrative and judicial – all agency determinations are subject to appeal.
NC	Administrative appeals provided for both applicant and aggrieved parties.
ND	Administrative
OH	Administrative/judicial

State	Response:
OK	Administrative and judicial review.
OR	Varies
PA	Administrative, judicial
SC	Administrative – if requested by an aggrieved party, staff decision can be reviewed by SC Department of Health and Environmental Control Board (Board). Requestor has 15 days from staff decision to request Board review. Board has 60 days to consider request. If Board declines request or Board does not act on request within 60 days, staff decision becomes final agency decision. If Board reviews staff decision, changes to decision by Board becomes final agency decision. The aggrieved party has 30 days after final agency decision to appeal decision to SC Mining Council. Mining Council decision is appealed to State Administrative Law Court for judicial review. Administrative Law Court decision is appealed to State Court of Appeals. State Court of Appeals decision is appealed to State Supreme Court.
SD	Decision of the Board of Minerals and Environment may be appealed to the Circuit Court.
TN	Administrative and judicial – regulated by AG and UAPA.
TX	Judicial review
UT	Normally the affected party would first appeal to the Division for an informal hearing. The informal phase could be converted to a formal phase and a hearing held before the Board of Oil, Gas & Mining. Administrative remedies must be exhausted prior to seeking judicial review.
VT	
VA	Follow the state Administrative Process Act.
WA	Administrative then judicial
WI	Metallic mining – the master hearing decision approves or denies the mining permit (approved by an administrative law judge). Aggrieved parties can ask for a review of the decision under S 227 Stats. Citizen suits can be filed over aspects of the decision.
WV	Anyone adversely affected by a decision of the agency may request a hearing before the Surface Mining Board.
WY	Administrative and judicial

**Question 61:
How long after a public hearing until a permit decision is required?**

State	Response:
AL	N/A
AK	As soon as possible after comment period ends. Time really is money to the applicant.
AZ	
AR	In the administrative rules of the Commission, a final permit decision must be made within two weeks of the end of the final comment period which could be the Notice of Draft Permit Decision or the public hearing held after the Notice of Draft Decision if a hearing is held.
CA	No set limit
CO	Decision is made at hearing, with written finding to follow within 30 days of hearing.
FL	Nothing specified
GA	N/A
IL	The Department must issue the permit or its decision within 120 days of the initial filing with the county in which the mining will take place.
IN	Indiana has no public hearing process.
IA	N/A
KS	Varies with county
KY	Permit reviews must be completed within 30 working days.
LA	
ME	An application must be processed according to the timetable established under 38 MRSA Section 344. The timetables vary according to the type of application received.
MD	30 days from close of record.
MI	For nonferrous metallic mines, 56 days. For others, unspecified.
MN	120 days after close of hearing or 90 days after administrative law judge report, whichever is later.
MS	
MO	No clock in the law for this period of time.
MT	Not specified.
NV	Varies
NJ	
NM	Varies
NY	Final decision must be made for any application for which a public hearing has been held on or before 60 calendar days after the receipt by the department of the complete hearing record.
NC	Within 30 days of public hearing or within 30 days of additional information received after public hearing.
ND	
OH	

State	Response:
OK	30 days after a formal hearing is held the findings will be submitted for adoption.
OR	Varies
PA	60 days, pending no further information is requested of the applicant.
SC	Time varies after a public hearing. A decision from SC Department of Health and Environmental Control (SCDHEC) under the state mine law is required within 60 days from receipt of all information. Receipt of supplemental information as requested by SCDHEC restarts the 60-day clock.
SD	In most cases, the decision is rendered at the hearing. In complex cases requiring findings of fact and conclusions of law, decision may be delayed 30 days.
TN	Permit may not be issued for a minimum of 45 days from receipt of application.
TX	Decision required 220 days of the filing of a complete application.
UT	The rules require that the decision be made within a reasonable time. No exact time frame is specified.
VT	
VA	60 days.
WA	If application complete: 60 days.
WI	Within 90 days of the completion of the public hearing record.
WV	30 days
WY	There is a 60 day time period in which the Environmental Quality Council must issue a decision after a hearing. Once they issue a decision, we have 15 days to issue a permit decision.

**Question 62:
Is financial assurance ever required?**

State	Yes	No
AL	x	
AK	x	
AZ		
AR	x	
CA	x	
CO	x	
FL	x	
GA	x	
IL	x	
IN	x	
IA	x	
KS	x	
KY	x	
LA		
ME	x	
MD	x	
MI	x	
MN	x	
MS	x	
MO	x	
MT	x	
NV	x	
NJ		x
NM	x	
NY	x	
NC	x	
ND	x	
OH	x	
OK	x	
OR	x	
PA	x	

State	Yes	No
SC	x	
SD	x	
TN	x	
TX	x	
UT	x	
VT		
VA	x	
WA	x	
WI	x	
WV	x	
WY	x	

Question 63:

If financial assurance is required, check box(es) for types of financial assurance or other instruments which are used to guarantee compliance:

State	Performance Bond	Insurance Coverage	Reclamation Bond	Other (Please Specify)
AL			x	
AK	x	x	x	
AZ				
AR			x	Cash or collateral bonds are also acceptable.
CA	x		x	Surety bonds, irrevocable letters of credit, trust funds. Governmental agencies may also use Pledges of Revenue or a Budget Set Aside.
CO	x		x	
FL	x	x	x	Certified financial records
GA				Surety Bond, Irrevocable Letter of Credit, cashier's check.
IL			x	
IN	x			
IA			x	
KS	x		x	Certificate of deposit; irrevocable letter of credit from bank; corporate demonstration cash.
KY			x	
LA				
ME			x	Letters of credit; assignment of certificate of deposit, surety bond.
MD	x		x	Letter of credit; CD.
MI	x			
MN	x	x	x	Letter of credit; corporate guarantee with strong balance sheet for ferrous operations; surety bond.
MS	x	x		Performance bond includes reclamation bond.
MO	x		x	
MT			x	
NV	x	x	x	
NJ				N/A

State	Performance Bond	Insurance Coverage	Reclamation Bond	Other (please specify)
NM	x	x	x	
NY			x	Irrevocable bank letter of credit; certified check; cash; negotiable bonds of the US government; US Treasury notes; US Treasury certificates of indebtedness; US Treasury bills; bonds or notes of the state of NY; bonds of any political subdivision in the state of NY; bonds of the NY State Housing Finance Agency or other NY State agencies or authorities; bonds of public corporations of the state of NY, or other forms of financial security acceptable to the department.
NC	x		x	Letters of credit, assignment of savings account/certificate of deposits.
ND	x		x	
OH	x	x	x	
OK			x	
OR	x			Surety bond or irrevocable letter of credit.
PA		x	x	
SC			x	
SD			x	Letter of credit surety bond.
TN	x			Performance bond released as reclamation stages completed.
TX		x	x	
UT			x	The Board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.
VT				
VA			x	Accept surety bonds, cash, CDs, pool bonding (if qualified).
WA			x	
WI	x		x	
WV	x	x		Bond pooling fund.
WY	x		x	The reclamation performance bond may be cash, letters of credit, surety, self bond or certificates of deposits.

Question 64:

If financial assurance is required, what areas are required to be bonded (i.e. entire permit area; proposed affected area; haul roads; processing or stockpile areas)?

State	Response:
AL	Everything on-site except roads.
AK	Nine footprint area. All areas of disturbance are considered and addressed in reclamation bond determination.
AZ	
AR	In the open-cut law, the proposed affected areas, haul roads, processing and stockpile areas must be bonded. In the quarry law the entire quarry site is bonded.
CA	Any areas currently disturbed by surface mining operations, and any areas to be disturbed in the next year.
CO	All disturbed area
FL	Wetland mitigation work. Each of the 67 counties may require bonds for other activities.
GA	Entire permitted area including mining area, buffers, haul roads, processing, overburden storage, stockpiles.
IL	All areas covered under the permit.
IN	Areas of surface disturbance and mine facilities.
IA	Disturbed area
KS	Proposed affected area
KY	Entire permit
LA	
ME	Gravel Pits: All disturbed areas and all areas expected to be disturbed within the upcoming year. Metallic Mineral Mining: All disturbed areas, closure and post closure care period and any corrective action cost.
MD	Affected acreage as defined
MI	Entire permit area
MN	Entire area.
MS	All affected areas: entire permit area including haul roads, processing and stockpiles.
MO	Acres must be bonded before affected, but can be incrementally bonded as needed.
MT	All
NV	Entire permit area
NJ	N/A
NM	Proposed affected areas
NY	All areas affected by mining that are subject to reclamation. This includes actual mining areas, haul roads, stockpile areas and plant buildings.
NC	Proposed affected areas including haul road, processing areas, stockpile areas, mine excavation, and any other disturbed areas associated with the mine operation.
ND	Entire permit area

State	Response:
OH	Proposed affected and affected areas. No processing or product stockpile areas.
OK	All affected areas including all roads, processing and stockpile areas.
OR	Everything within the permit boundary and at the cost of reclamation.
PA	Proposed affected area, haul roads, support area, water loss (bond or insurance), blasting (insurance).
SC	Proposed affected area which includes: pit, stockpiles, haul road, on-site processing plant, sediment control pond, overburden/waste rock disposal areas.
SD	Entire affected area
TN	All disturbed area
TX	Proposed affected area
UT	A bond is required to assure reclamation of the entire permit area.
VT	
VA	Disturbed areas and proposed disturbed areas within the mine permit which includes access roads, processing areas, ponds and stockpiles.
WA	Entire permit area
WI	2 bonds are required for metallic mines – an Irrevocable Trust Agreement for the entire mine site to provide for reclamation of the entire mine site, including processing areas, and a long-term care bond for any mine waste disposal areas. Nonmetallic mines require reclamation bonds for any active, open area.
WV	Areas currently disturbed and not reclaimed and those areas proposed to be disturbed during the next ensuing year.
WY	The bond covers the entire permit area and is calculated based on any and all types disturbance for the first year and is reviewed/updated annually.

State	Certificate of Deposit	Surety	Collateral	Letters of Credit	Mortgage of Real Estate	Self-Bonding	Bond Pool	Trust Funds/ Annuities	Life Insurance	Other (please specify)
ME	x	x	x	x				x		Metallic mineral mining; a trust fund or a letter of credit are only financial assurance mechanism allowed.
MD	x	x		x						
MI	x	x		x						For nonferrous metallic mines, 25% of bond may be financial assurance statement (relating company worth).
MN										Depends on several conditions.
MS	x	x		x	x					Cash
MO	x	x		x						
MT	x	x	x	x	x					
NV	x	x		x		x	x			Partial corporate guarantee.
NJ										N/A
NM	x	x	x	x	x			x		3 rd party guarantee.
NY	x			x						
NC	x	x		x						
ND	x	x								
OH	x	x		x						

State	Certificate of Deposit	Surety	Collateral	Letters of Credit	Mortgage of Real Estate	Self-Bonding	Bond Pool	Trust Funds/ Annuities	Life Insurance	Other (please specify)
OK	x	x	x	x						
OR		x		x						
PA	x	x	x	x		x			x	
SC	x	x		x						Registered securities, Cash.
SD	x	x		x						
TN	x	x		x						Cash
TX		x	x			x				Cash deposit; assignment of savings account.
UT	x	x	x	x		x				
VT										
VA	x	x					x			Cash
WA	x	x		x						
WI	x	x	x	x	x	x	x	x		Metallic mines – methods of investment and levels are determined at Master Hearing.
WV	x	x	x	x		x	x			Cash
WY	x	x	x	x	x	x				Cash

Question 66:

What is the amount per acre required under your bonding procedure? (If a rate structure applies, please provide a copy to IMCC by email or regular mail.)

State	Response:
AL	\$2,500.00 per acre
AK	Minimum is \$750 per acre with actual amount determined by mine development specific reclamation cost estimates by permitting agencies.
AZ	
AR	The open-cut bond has a number of factors to be considered. The quarry law has a set \$1,100 per acre amount.
CA	Based on the actual cost to reclaim.
CO	Bonds are calculated based upon actual site specific costs. No set rate.
FL	Cost of construction and monitoring of wetland mitigation. Each of the 67 counties has its own standards.
GA	Varies from \$1,500.00 to \$2,500.00 per acre.
IL	\$600.00 - \$5,000 per acre
IN	\$1,000 to \$5,000 per acre based upon factors (sent to IMCC).
IA	\$2,000
KS	Set by regulation: \$400 per acre for sand and gravel; \$600 per acre for all other minerals, except coal, oil and gas.
KY	\$500/acre maximum.
LA	
ME	Determined on a case-by-case basis.
MD	\$1,250 per acre.
MI	For solution mining wells, bond categories are set to correspond to cost of plugging well. For nonferrous metallic mines and dune sand mines, bond must equal cost of reclamation.
MN	No set amount per acre for ferrous and nonferrous; \$100/acre for peat.
MS	\$500 - \$2,500/acre.
MO	\$500/acre, \$8,000 minimum.
MT	Not a per acre calculation.
NV	No fixed per acre rate. Calculated for each project. See standardized reclamation bond cost estimator at http://ndep.nv.gov/bmrr/bmrr01.htm .
NJ	N/A
NM	
NY	No set amount in law or regulations. Average amount is \$5,600 per acre. Calculation based on true cost to reclaim.
NC	See bond cost factors sent to IMCC.
ND	\$2,000

State	Response:
OH	Pre 3/15/2002: \$500 per acre. Post 3/15/2002: \$10,000 plus \$1,000 per acre.
OK	\$1,500.00 per acre. Bond calculations on actual cost of reclamation also accepted after verified by OK Department of Mines staff.
OR	At the cost of reclamation.
PA	Rate structure printed as updated. Last update was March 5, 2011. A copy was submitted to IMCC.
SC	Reclamation bond amount for mines affecting less than 25 acres is set by state mine law and has a \$25,000 cap. Reclamation bond amount for mines with affected acres greater than 25 acres is unlimited and based on cost estimate for 3 rd party to perform reclamation. The cost per acre for reclamation ranges approximately from \$1,000 to \$10,000.
SD	For mine permits, large scale bonds are based on the actual cost to the state to hire a third party contractor to conduct reclamation. Small scale mine permit bonds are a maximum of \$2,500. For mine licenses, the reclamation bond is set by law at \$500/acre or a statewide \$20,000 blanket bond.
TN	\$600 per acre
TX	No per acre amount. Each permit reclamation plan evaluated for cost and analysis reclamation in event of forfeiture.
UT	Amount is normally calculated based on reclamation plan for large mines. Board-approved costs per acre used for small mines. Currently (2013) \$5,200 - \$5,600/acre plus mobilization depending on escalation and size of mine.
VT	
VA	\$1,000 per disturbed acre
WA	\$4,000
WI	Amount is determined by the cost to reclaim the site to the specifications of the reclamation plan.
WV	For permittees with less than five years of experience with the mining laws of this state, a minimum of \$1,000 per acre. The agency shall determine the amount of bond per acre before the permit is issued (minimum of \$10,000 total). For permittees with more than five years of experience with the mining laws of the state, participation in the Bond Pooling Fund is required. Contributions to the bond pooling fund shall be an initial \$50 per acre disturbed or proposed to be disturbed during the next ensuing year and \$12.50 per year thereafter until a maximum of \$1000 per acre is reached.
WY	It is not calculated by acre but itemized to do each step or phase of work such as moving "x" cubic yards of material "y" distance.

Question 67:
If bond is forfeited, is there a mechanism for permit blocking?

State	Yes	No
AL	x	
AK	x	
AZ		
AR	x	
CA		x
CO	x	
FL	x	
GA		x
IL	x	
IN	x	
IA	x	
KS	x	
KY	x	
LA		
ME	x	
MD	x	
MI	x	
MN	x	
MS	x	
MO	x	
MT		x
NV	x	
NJ		
NM	x	
NY	x	
NC	x	
ND		x
OH		x
OK	x	
OR		
PA	x	

State	Yes	No
SC	x	
SD	x	
TN	x	
TX		x
UT		x
VT		
VA	x	
WA	x	
WI		
WV	x	
WY	x	

Question 68:

Check box(es) for any of the following enforcement procedure(s) which are available under your program:

State	Notice of Violation	Cessation Order	Compliance/ Consent Order	Civil Penalty	Suspension & Revocation of Permit	Injunction	Temporary Restraining Order	Criminal Penalties	Other (please specify)
AL	x	x		x	x	x	x		
AK	x	x	x	x	x	x	x		
AZ									
AR	x		x	x	x	x	x		The Open-Cut law now allows the department to use an option of filing to use pecuniary gain for a penalty rather than administrative civil penalties. (Act 609 of 2011)
CA	x	x	x	x					
CO	x	x	x	x	x	x	x		
FL					x	x	x		
GA	x		x						
IL	x			x	x	x			Forfeiture of permit
IN									Bond forfeiture
IA	x	x	x	x		x			
KS	x	x		x	x				
KY	x	x		x	x				
LA									
ME	x	x	x	x	x	x		x	
MD	x	x	x	x	x	x		x	
MI	x	x	x	x	x	x		x	
MN		x	x	x	x				Modify Permit

Question 69:
Are there penalty or sentencing guidelines?

State	Yes	No
AL	x	
AK	x	
AZ		
AR	x	
CA		x
CO	x	
FL	x	
GA	x	
IL	x	
IN		x
IA	x	
KS	x	
KY		x
LA		
ME	x	
MD		x
MI	x	
MN	x	
MS	x	
MO		x
MT	x	
NV	x	
NJ	x	
NM	x	
NY	x	
NC	x	
ND	x	
OH	x	
OK	x	
OR		x
PA	x	

State	Yes	No
SC	x	
SD	x	
TN	x	
TX		x
UT	x	
VT		
VA	x ¹	
WA	x	
WI	x	
WV	x	
WY		x

¹ Only for safety issues.

Question 70:**Are civil penalty assessments based upon the seriousness of the violation?**

State	Yes	No
AL		x
AK	x	
AZ		
AR	x	
CA	x	
CO	x	
FL	x	
GA		
IL	x	
IN		x
IA	x	
KS		x
KY	x	
LA		
ME	x	
MD	x	
MI	x	
MN	x	
MS	x	
MO	x	
MT	x	
NV	x	
NJ	x	
NM	x	
NY	x	
NC	x	
ND	x	
OH	x	
OK		x
OR	x	
PA	x	

State	Yes	No
SC	x	
SD	x	
TN		x
TX	x	
UT	x	
VT		
VA		x
WA	x	
WI	x	
WV	x	
WY	x	

Question 71:**Is there a post closure program for long term abatement situations?**

State	Yes	No
AL		x
AK	x	
AZ		
AR		x
CA	x	
CO	x	
FL		x
GA		
IL		x
IN		x
IA		x
KS	x	
KY		x
LA		
ME	x	
MD		x
MI	x	
MN	x	
MS		x
MO		x
MT	x	
NV	x	
NJ		x
NM	x	
NY		x
NC		x
ND		x
OH		x
OK		x
OR		x
PA		x

State	Yes	No
SC	x	
SD	x	
TN		x
TX		x
UT		x
VT		
VA		x
WA		x
WI	x	
WV		x
WY		x

Question 72:**Is there a financial obligation attached to the post closure program, if applicable?**

State	Yes	No
AL		
AK	x	
AZ		
AR		x
CA	x	
CO	x	
FL		x
GA		
IL		x
IN		x
IA		x
KS		x
KY		x
LA		
ME	x	
MD		
MI	x	
MN	x	
MS		
MO		
MT		x
NV	x	
NJ		x
NM	x	
NY		x
NC		x
ND		
OH		x
OK		x
OR	x	
PA		

State	Yes	No
SC	x	
SD	x	
TN		x
TX		
UT		
VT		
VA		
WA	x	
WI	x	
WV		x
WY		

Question 73:

Does your law and/or rules, regulations, or policies provide specific standards for the following mining and reclamation activities? (See KEY at end of table)

State	Laws	Rules/Regulations	Policies
AL	B, C, E, H, M		D, G
AK	A, B, C, D, F, G, H, I, J, K, L, M, N, O, P	A, B, C, D, F, G, H, I, J, K, L, M, N, O, P	
AZ			
AR	B, C, D, F, H, K, M	B, C, D, F, H, K, M	E
CA	A, B, C, D, F, G, H, K, L, M, O, Q	A, B, C, D, F, G, H, K, L, M, O, Q	
CO	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P	
FL	C, D, F, H, I, K, L, M, O, P	C, D, F, H, I, K, L, M, O, P	
GA	A, K	B, C, D, E, F, G, H, I, J, L, O, P	
IL	A, B, C, D, F, H, I, M	A, B, C, D, F, H, I, M	
IN	A, B, C, D, H, K, M		A, B, C, D, G, H, K, M
IA	C, D, H	C, D, H	
KS	A, B, C, D, G, H	A, B, C, D, G, H	I, K, L, O, P
KY	I	A, B, C, D, E, F, G, H, I, K, L, O, P	
LA			
ME	A, C, D, F, H, I, J, K, O, P	A, B, C, D, E, F, G, H, J, K, L, M, O, P	
MD	D, H, J, P	C, E, F, G, H, I, N	A, B, G, H, I, J, M, N, O
MI	A, B, C, D, E, F, G, H, J, K, L, M, O, P	A, B, C, D, E, F, G, H, J, K, L, M, O, P	
MN	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P	
MS	F, H (general, not specific standards for "H")	C (under some circumstances), F, H	
MO	A, B, C, D, E, F, G, H, J, K, M, N	A, B, C, D, E, F, G, H, J, K, M, N	
MT	A, B, C, D, H, I, J, K, L, M, O, P	A, B, C, D, F, H, I, J, K, L, M, O, P	D, E, F, G
NV	A, B, C, D, E, F, G, H, J, K, L, M, O	A, B, C, D, E, F, G, H, J, K, L, M, O	A, B, C, D, E, F, G, H, J, K, L, M, O
NJ	A, B, C, D, F, I, J, K	A, B, C, D, F, I, J, K	
NM	A, B, C, D, F, H, K, L, M, O, P	A, B, C, D, F, H, I, K, L, M, O, P	
NY	A, B, C, D, F, G, H, J, K, M, P	A, B, C, D, F, G, H, J, K, M, P	A, I, L, O, P
NC	A, B, C, D, H, I, J, K, L, O, P	A, B, C, D, H, I, J, K, L, O, P	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P

State	Laws	Rules/Regulations	Policies
ND			
OH	B, C, D, F, G, H, I		
OK	C, G, H, I, N	C, G, H, I, N	
OR	Q	Q	Q
PA	C, F, I, K, L	B, C, D, E, F, G, H, I, J, K, L, M, N, O, P	B, I, K, L, P
SC	K, M	A, C, D, E, F, G, H, I, J, L, P	B, I, O, P
SD	A, B, C, D, E, F, G, H, I, J, K, L, M, O, P	A, B, C, D, E, F, G, H, I, J, K, L, M, O, P	
TN	B, C, D, E, F, G, H	B, C, D, E, F, G, H	B, C, D, E, F, G, H
TX			
UT	A, B, C, D, F, H, J, K, L, M, O	A, B, C, D, F, H, J, K, L, M, O	P
VT			
VA	A, B, C, D, E, F, G, H, I, J, K, L, M, Q	A, B, C, D, E, F, G, H, I, J, K, L, M, Q	
WA	A, B, C, D, F, H	A, B, C, D, F, H	
WI	Q	Q	Q
WV	A, B, C, D, F, H, I, K, L, O, Q	B, C, D, E, F, G, H, I, J, K, L, O, P, Q	A, B, C, D, I, K, N, O, Q
WY	B, C, D, F, H, K, L, M, O	A, B, C, D, E, F, G, H, K, L, M, O, P	E, F, G, H, I, K, M, N, O

Key:

A = Debris & Contaminant Removal
 B = Backfilling
 C = Sloping/Grading (Land Leveling)
 D = Erosion Control (Topsoiling)
 E = Mulching
 F = Drainage
 G = Temporary Vegetation
 H = Permanent Vegetation
 I = Blasting

J = Fugitive Dust
 K = Water Quality
 L = Water Quantity
 M = Disposal of Processing Waste
 N = Fly Ash
 O = Fish and Wildlife
 P = Cultural Resources
 Q = Other

Question 74:
For “other” (Q) in previous question, please specify:

State	Explanation of “Other” (Q) response in Question 73:
CA	Agricultural lands, closure of underground openings, removal of buildings/structures, stream protection.
FL	The counties can regulate setbacks, trucks, hours of operation, depth, etc.
IA	Blasting, fugitive dust, water quality, and water quantity equal other agencies, not in law.
OR	Basically all of the above (in question 73).
UT	Public safety and welfare deleterious materials hole plugging.
VA	The law has specific requirements for the construction of large water impoundments 20 ft. or more in height or 50 acre-feet or more in volume. The law also has very specific mapping requirements. The regulations also address road construction and maintenance, overburden or refuse fill construction and drainage, visual screening, protection of streams, and reclamation standards for land which is returned to intensive agricultural use.
WI	The specific standards to be met by the applicant both in developing the mine and in reclamation are set out in the mining permit approved at the Master Hearing (metallic mines). Nonmetallic mine reclamation has some general standards in code.
WV	Screening and berms, buffer zones, excess spoil disposal, water replacement, highwall requirements, incidental coal removal exporting spoil for special land uses, road construction.

Question 75:

Estimate by PERCENT the post-mining land uses following completion of reclamation activities:

State	Grassland/ Pastureland	Woodland/ Forestland	Wildlife	Water (Lakes & Ponds)	Residential/ Commercial	Recreation	Cropland	Other (Specify)
AL	35	35	0	20	10	0	0	0
AK	30	15	15	30		10		
AZ								
AR	58	5	5	30	2			
CA	40	20		15	20		5	
CO	40		75	25	20	20	10	Various overlapping
FL								
GA	50	30		20				
IL	40	3	5	30	10	9	3	
IN		<1	52	45	<1		2	
IA	33		33			33		
KS	60	2	75	60	20	50	40	
KY	45	9	0	21	5	3	3	14 Industrial
LA								
ME	30	10		10	40	5	10	
MD	55	15		10	5		15	
MI		50			40		10	
MN	4	10	35	15	1	35		
MS	42	50		5	2		1	
MO	42	4.4	11	9.4	16.2	7	10	
MT	80% Sand & Gravel Mining is Grassland/ Pastureland; and 80% Hard Rock - Metal Mining is Woodland/Forestland.			5	1	1	5	
NV	10		85	5				
NJ	20	10	10	10	40	10		
NM	10	5	70		10	5		
NY	20	10	5	10	30	15		10% Basic reclamation
NC	2	2	30	50	5	6	5	

State	Grassland/ Pastureland	Woodland/ Forestland	Wildlife	Water (Lakes & Ponds)	Residential/ Commercial	Recreation	Cropland	Other (specify)
ND								
OH	43	0	2	45	4	0	6	0
OK	85			8	1			8% Industrial
OR								N/A
PA	25	25	15	15	5	5	10	
SC	55	5	2	35	3			
SD	35% P * 55% L *	15% P 1% L	32% P 3% L	1.5% P 4% L	5% P 1% L	10% P 1% L	1.5% P 35% L	
TN	70	10		10	5	5		
TX	90			10				
UT					3	1	1	95% Wildlife & Grazing
VT								
VA	18	0	51	0	24	0	7	0
WA	15	30	15	15	15		10	
WI								
WV	49		46		2	2		
WY	92			4	2	1	1	

* SD: "P" = Permit; "L" = License for each category above.

Question 76:

Are there contemporaneous reclamation requirements?

State	Yes	No	If so, what are the specific conditions and time frames?
AL	x		None
AK		x	
AZ			
AR	x		There are no specifics within the Regulation No. 15. Time frames are to be based on the operator's incremental mining plan.
CA	x		A time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
CO	x		Very general
FL	x		Not specified
GA	x		Reclamation is to be concurrent with mining.
IL	x		1 year after mining has stopped. 3 years to vegetate.
IN	x		No more than two spoil ridges and not more than one year.
IA		x	
KS	x		Operator must begin reclamation 90 days after final mining completion.
KY	x		Pit/quarry: 180 days following mineral removed. Contour: 90 days following mineral removed.
LA			
ME	x		Gravel pits: grade and establish a vegetative cover within one year of completing the excavation (90% ground cover required, remove all structures, access roads and haul roads).
MD	x		Site specific based upon acreage and mining method.
MI	x		Reclamation must be conducted concurrently with mining to the extent possible.
MN	x		Progressive reclamation during life of mine as areas are completed.
MS	x		
MO	x		12 months for grading and topsoil replacement. Another 12 months to establish permanent vegetation.
MT	x		Two years following completion of mining.
NV	x		
NJ		x	
NM	x		
NY		x	

State	Yes	No	If so, what are the specific conditions and time frames?
NC	x		Site specific and as mining activities are terminated in each segment final reclamation must be completed within two years of completion of mining.
ND		x	
OH	x		Topsoil/graded within one year after mining. Permanent vegetation established and successful for 2 growing seasons.
OK			
OR		x	
PA	x		Concurrent reclamation to the greatest extent possible.
SC	x		Regulation requires, "Reclamation shall be conducted simultaneously with mining whenever feasible and in any event shall be initiated at the earliest practicable time, but no later than within 180 days following termination of mining on any segment of mine and shall be completed within two years."
SD	x		For mine permits, there are rules on concurrent reclamation , but they are not specific. A plan with timetables must be submitted with the application. Interim reclamation must be completed within 2 years if no further disturbance is scheduled to occur within that time frame. For mine licenses, there are no contemporaneous reclamation requirements.
TN		x	
TX	x		No specific time frames.
UT	x		Disturbed areas to be reclaimed when no longer needed.
VT			
VA	x		Simultaneous revegetation shall be incorporated into the mine permit.
WA	x		Reclamation required when a segment completed.
WI		x	
WV	x		The reclamation plan describes the manner in which the land is to be opened for quarrying and how the quarrying activity is to progress across the permitted area and an approximate time frame for reclamation of each area or phase of the quarrying. The operator must commence reclamation of the incremental area of land disturbed by the operator after the completion of all quarrying of that area in accordance with the approved quarrying and reclamation plan. The quarrying and reclamation plan for each operation is site specific in describing how the quarrying and reclamation activities are to be coordinated to minimize total land disturbance and to keep reclamation operations as contemporaneous as possible with the advance of the quarry operations.
WY	x		Permit specific

Question 77:

Does your state law or regulation specify an end date once a permit is issued?

State	Yes	No	If yes, what is the specified date?
AL			
AK		x	
AZ			
AR	x		End date is five years after issuance, however the permit can be extended upon application for an unlimited additional five year period until mining is completed.
CA	x		A termination date must be included in the reclamation plan.
CO		x	
FL	x		
GA		x	
IL	x		They are 10 year permits.
IN	x		Permits are issued for one year terms.
IA		x	
KS		x	
KY	x		5 years from date of issuance.
LA			
ME	x		A specific end is not required, however, all affected lands must be reclaimed within 2 years of final grading.
MD	x		5 years with renewable options.
MI		x	
MN		x	Life of mine.
MS	x		5 years, renewable with no limit to number times, transferable.
MO	x		But variable, again, up to 100 years, renewed annually.
MT	x		The date is selected by the permittee unless a court order supercedes such.
NV	x	x	No – reclamation permit; Yes – water pollution control permit.
NJ		x	
NM	x		The state requires a standby permit 180 days after the operation has ceased mining activities, or reclamation of the site is required. Standby permits are good for five years.
NY		x	
NC	x		Site specific, generally 10 years for most commodities and 5 years for in stream sand dredging.
ND		x	
OH	x		Permit lasts for 15 years and can be renewed.

State	Yes	No	If yes, what is the specified date?
OK			Based on the life expectancy of the site.
OR		x	
PA		x	
SC		x	
SD	x		For mine permits, proposed duration of the operation is required as part of the permit application. For mine licenses, an operator is required to include a proposed end date in the notice of intent.
TN	x		1 - 5 years from issuance depending on the operator's requested permit term.
TX	x		Issued for 10 years; can be renewed.
UT		x	
VT			
VA	x		1 year after the date of issuance. Permits are both renewable and transferable.
WA		x	
WI		x	
WV	x		A permit is issued for five years, but can be renewed for five year increments.
WY		x	

Section III: Abandoned Mine Lands

Question 78:**Does your law provide incentives for reclaiming pre-law affected lands?**

State	Yes	No
AL		x
AK	x	
AZ		
AR		x
CA		x
CO		x
FL	x	
GA		x
IL		x
IN		x
IA		x
KS		x
KY		x
LA		x
ME		x
MD		x
MI		x
MN		x
MS		x
MO		x
MT		x
NV		x
NJ		x
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		
PA		x

State	Yes	No
SC	x	
SD	x	
TN	x	
TX		x
UT		x
VT		
VA		x
WA		x
WI		x
WV	x	
WY		x

Question 79:

If your law does provide incentives for reclaiming pre-law affected lands, check box(es) for types of incentives that apply:

State	Bond Credits	Fee Waiver or Reduction	Exemption from Certain Reclamation Standards	Good Samaritan Liability Limitations	Other (please specify)
AK				x	
FL					Reimbursement of some reclamation costs. For old phosphate land only.
SC					Substitution of current mined area for pre-law affected area.
SD					For mine permits, reclamation of pre-law lands can be used as reclamation credit to go toward future expansions if plans are approved by the board. Existing gold or silver operations are limited to 200 additional acres for expansions without reclaiming existing disturbed land. For mine licenses, there are no incentives.
TN	x				
WV				x	The agency can accept an in kind assessment by reclamation of an abandoned quarry site in lieu of cash payment of civil administrative penalties. The state also has a "brown fields" statute that allows for some liability limitations.

Question 80:

Does your law provide that an operator may reclaim pre-law affected land in lieu of reclaiming land affected under the existing permit as part of the current reclamation plan?

State	Yes	No
AL	x	
AK	x	
AZ		
AR		x
CA		x
CO	x	
FL		x
GA		
IL		x
IN		x
IA		x
KS		x
KY		x
LA		x
ME		x
MD		x
MI		x
MN		x
MS		x
MO		x
MT		x
NV		x
NJ		x
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		

State	Yes	No
PA		x
SC	x	
SD		x
TN		x
TX		x
UT		x
VT		
VA		x
WA		
WI		x
WV		x
WY		x

Question 81:
Does your state have specific regulations regarding remining?

State	Yes	No
AL		x
AK		x
AZ		x
AR		x
CA		x
CO		x
FL		x
GA		x
IL	x	
IN		x
IA		x
KS		x
KY		x
LA		x
ME		x
MD		x
MI		x
MN	x	
MS		x
MO		x
MT	x	
NV		x
NJ	x	
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		
PA		x

State	Yes	No
SC		x
SD		x
TN		x
TX		x
UT		x
VT		
VA		x
WA		x
WI		x
WV		x
WY		x

Question 82:

Does your state have a noncoal AML inventory or an estimate of the extent of abandoned noncoal mineral lands?

State	Yes	No
AL		x
AK	x	
AZ	x	
AR		x
CA	x	
CO	x	
FL		x
GA		x
IL		x
IN		x
IA		x
KS		x
KY		x
LA	x	
ME		x
MD		x
MI		x
MN	x	
MS	x	
MO		x
MT	x	
NV	x	
NJ	x	
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		
PA		x

State	Yes	No
SC	x	
SD	x	
TN		x
TX	x	
UT	x	
VT		
VA	x	
WA	x	
WI		x
WV	x	
WY	x	

Question 83:

If “yes” to the previous question, please provide a characterization of that inventory or estimate below:

State	# of Mine Openings	# of Hazardous Structures	Acres of Mine Dumps	Acres of Disturbed Land	Acres of Subsidence Prone Areas	Miles of Highwall	Miles of Polluted Water	Total # of Abandoned Acres	Total # of Abandoned Mine Sites
AK	Estimate 250 in each category			Est. 5,000	Est. 1,000	<1	None	Est. 5,250	Est. 7,200
AZ	67,690 * (# Structures included with Mine Openings)		33,845 *	57,536 *				124,372 *	Approx 80,000 *
CA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	47,000
CO	17,000			Yes	Yes	Yes	Yes	Yes	7,300
LA									504 sites with reclamation needs
MN			40,000	150,000				100,000	
MS	N/A	No	N/A	Estimated	N/A	No	No	Estimated	Estimated
MT	230	970	869	7,499	554	0.5	213	7,499	6,000
NV	200,000	100	1,500	2,000	200	50	25	2,000	16,000
NJ									Approx. 500+ known abandoned mine sites
NM	15,000								800
SC	110			6,000		11	10	6,000	
SD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	900 in the Black Hills
TX	AMLIS								
UT	17,000 - 20,000	1,000	2,000 - 5,000	Guesstimate: 10,000	No Estimate	Guesstimate: 2	No Estimate	No Estimate	17,000 to 20,000
VA	1,002	920	564	26,376	7	6,380	1,165	26,376	3,028

State	# of Mine Openings	# of Hazardous Structures	Acres of Mine Dumps	Acres of Disturbed Land	Acres of Subsidence Prone Areas	Miles of Highwall	Miles of Polluted Water	Total # of Abandoned Acres	Total # of Abandoned Mine Sites
WA									3,800
WV	4	0	23	>2,500	>100	8	<1	>2,500	185
WY				19,254					1,696

* These data are from 1991 – Western Governors Association Mine Waste Task Force.

Question 84:

Does your state have an abandoned mine land program for noncoal minerals?

State	Yes	No
AL	x	
AK		x
AZ	x	
AR		x
CA	x	
CO	x	
FL		x
GA		x
IL		x
IN		x
IA		x
KS	x	
KY	x	
LA	x	
ME		x
MD		x
MI		x
MN	x	
MS		x
MO		x
MT	x	
NV	x	
NJ	x	
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		
PA		x

State	Yes	No
SC		x
SD		x
TN	x	
TX		x
UT	x	
VT		
VA	x	
WA	x	
WI		x
WV	x	
WY	x	

Question 85:

Are there any mining regulations for the reclamation of abandoned lands?

State	Yes	No
AL		x
AK		x
AZ	x	
AR		x
CA		x
CO		x
FL	x	
GA		x ¹
IL		x
IN		x
IA		x
KS		x
KY	x	
LA	x	
ME		x
MD		x
MI		x
MN		x
MS		x
MO		x
MT		x
NV		x
NJ	x	
NM		x
NY		x
NC		x
ND		x
OH		x
OK		x
OR		
PA		x

State	Yes	No
SC		x
SD		x
TN		x
TX		x
UT		x
VT		
VA		x
WA		x
WI		x
WV		x
WY		x

¹ GA: Same as any reclamation.

Question 86:

Are any funds from the Surface Mining Control and Reclamation Act (SMCRA) abandoned mine land (AML) fund used for noncoal AML work?

State	Yes	No
AL	x	
AK	x	
AZ	x	
AR		x
CA		x
CO	x	
FL		x
GA		x
IL		x
IN		x
IA		x
KS		x
KY		x
LA	x	
ME		x
MD		x
MI		x
MN		x
MS		x (not yet)
MO	x SMCRA AML funds used primarily for vertical shafts only.	
MT	x	
NV		x
NJ		x
NM	x	
NY		x
NC		x
ND		x
OH	x	
OK		x

State	Yes	No
OR		
PA		x
SC		x
SD		x
TN		x
TX	x	
UT	x	
VT		
VA		x
WA		x
WI		x
WV		x
WY	x	

Question 87:**Are other state funds available for noncoal AML work?**

State	Yes	No	If so, identify source (e.g. royalty, special tax, etc.):
AL	x		Forfeited bond money. Also note: Alabama has used AML funds twice for noncoal reclamation.
AK	x		Capital Improvement Project General Operating Funds less than \$10,000 annually.
AZ			I believe the State Mine Inspector will get some for FY2008.
AR		x	
CA	x		Five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined.
CO	x		Severance tax and 319 grants.
FL		x	
GA		x	
IL		x	
IN		x	
IA		x	
KS		x	
KY		x	
LA		x	
ME		x	
MD		x	
MI		x	
MN	x		Iron Range Resources and Rehabilitation Board reclamation fund in lieu of property tax on mining companies.
MS		x	
MO		x	
MT	x		A specific but changing fund from the Resources Indemnity Tax in a capped amount.
NV		x	
NJ		x	
NM		x	
NY		x	
NC		x	
ND		x	
OH		x	
OK			
OR			

State	Yes	No	If so, identify source (e.g. royalty, special tax, etc.):
PA	x		Forfeited bonds, some funds from the noncoal (general) fund may be used.
SC		x	
SD		x	
TN	x		Mine Reclamation fund which consists of forfeited bonds, permit and acreage fees.
TX		x	
UT	x		A small amount of general funds is appropriated from the state legislature.
VT			
VA	x		Accumulated interest from the Mineral Reclamation Fund.
WA	x		Model Toxic Control Act.
WI		x	
WV	x		The statute has an abandoned quarry reclamation fund which receives civil penalties and interest from the Bond Pooling Fund.
WY		x	

Section IV: Personnel and Administration

Question 88:

Is the noncoal law administered by the same agency/division/section as the coal law?

State	Yes	No	If not, what agency/division/section administers the noncoal law?
AL		x	Industrial Relations: AML and noncoal and mine safety mining. Surface Mining Commission: surface coal mines.
AK	x		
AZ	x		All by State Mine Inspector.
AR	x		
CA		x	California has no coal law.
CO	x		Same Division, different program.
FL			No coal
GA			N/A
IL		x	IL Dept. of Natural Resources, Office of Mines and Minerals, Mine Safety & Training Div.
IN	x		
IA	x		
KS		x	State Conservation Commission.
KY	x		
LA	x		
ME		x	There is no coal mining in the state of Maine.
MD	x		Same program, different divisions.
MI	x		
MN		x	MN Dept. of Natural Resources Lands & Minerals.
MS		x	Mining and Reclamation Division.
MO	x		
MT	x		
NV			We have no coal, but it would be administered by NV Div. of Environmental Protection which administers the hard rock regs.
NJ		x	NJ Dept. of Labor.
NM		x	NM Mining Act Reclamation Program.
NY			No coal mining in NY state. Dept. of Environmental Conservation Administers the Mined Land Reclamation Law.
NC	x		NC does not have coal mining regulations.
ND	x		
OH	x		
OK		x	OK Dept. of Mines Minerals Division.

State	Yes	No	If not, what agency/division/section administers the noncoal law?
OR			
PA	x		
SC		x	No coal mining in SC. SC Dept. of Health and Environmental Control (SCDHEC)/Bureau of Land and Waste Management/Division of Mining and Solid Waste Management.
SD	x		SD is not a program state under the Surface Mining Control & Reclamation Act (SMCRA), but the state's mining laws still apply to coal. Both coal and noncoal mining are regulated by the Minerals & Mining Program, Div. of Environmental Services, Dept. of Environment & Natural Resources.
TN		x	TN Dept. of Environment and Conservation. Coal law administered by the Office of Surface Mining in the U.S. Dept. of Interior.
TX	x		
UT	x		
VT			
VA		x	VA Division of Mineral Mining.
WA		x	Office of Surface Mining
WI		x	Not applicable. There are no coal deposits in WI.
WV	x		
WY	x		Same agency, different division.

Questions 89 and 90:

How many full-time employees are assigned to the noncoal minerals program? (#89)

What is the annual operating budget for your noncoal regulatory program? (#90)

State	Response to # 89 (Employees):	Response to # 90 (Operating Budget):
AL	1	Through FY2006 it was \$350,000. FY2007 it was \$1.0 million.
AK	5	\$500,000
AZ		
AR	2	\$400,000
CA	32	\$4,000,000
CO	24.1	\$3.2 Million
FL	50	
GA		
IL	12	Varies
IN	1	\$30,000
IA	0	When in operation, \$80,000 to \$120,000. IA Dept. of Natural Resources regulates water, air. IA Public Safety regulates blasting. No minerals staff since 2001. IA has not had anyone working in the noncoal area since 2001-2002. The state "registers" sites as opposed to "permitting" them, and as such does not regulate day-to-day operations of noncoal mining, except for a few areas (set-backs, signs, etc.).
KS	2	\$127,000
KY	7	Unknown
LA	No one assigned full-time but do have 1.35 full-time equivalents.	\$418,434
ME	2	\$150,000
MD	4	\$.35M
MI	2	\$200,000
MN	Reclamation 15	Reclamation \$1 million/year
MS	7	530,000
MO	8.5	Approximately \$400,000
MT		
NV	20 in Bureau of Mining Regulation and Reclamation	\$2.5 million
NJ		
NM	7	\$670,000
NY	20	\$2.4 million

State	Response to # 89 (Employees):	Response to # 90 (Operating Budget):
NC	7	\$350,000
ND	1	\$1,500
OH	Approximately 10	Approximately \$863,000
OK	12	\$928,528.00
OR		
PA	20	2.5 million
SC	5.5	\$385,000.00
SD	14	Unavailable. We do not budget at the program level.
TN	3	Unknown
TX	1 – Uranium Exploration	1 – Uranium Exploration
UT	9	About \$800,000
VT		
VA	22	\$2,300,000
WA	9	
WI	3	
WV	2.6 full time equivalent (1.7 full time equivalent inspectors and 0.9 full time equivalent permitting).	\$318,986
WY	20.5 FTE for 2012	Approx. \$2.3 million for 2012

State	NPDES	Air	Groundwater	Mine Waste	Hazardous/Solid Waste	Dam Safety	Mine Safety & Health
NJ	No	No	No	No	No	No	Yes
NM	No	No	No	Yes	No	No	No
NY	Yes	Yes	Yes	Yes	Yes	Yes	No
NC	No	No	No	Yes	No	Yes	No
ND	No	No	No	No	No	No	No
OH	No	No	Yes	Yes	No	No	Yes
OK	No	No	No	No	No	No	Yes
OR							
PA	Yes	Yes	Yes	Yes	No	Yes	Yes
SC	No	No	No	Yes	No	No	No
SD	No	Yes	Yes	Yes	No	No	No
TN	Yes	Yes	Yes	No	Yes	Yes	No
TX	No	No	Yes	No	No	No	No
UT	No	No	No	Yes	No	No	No
VT							
VA	No	No	Yes	Yes	No	Yes	Yes
WA	No	No	No	No	No	No	
WI	No	No	Yes	Yes	Yes	No	No
WV	Yes	No	Yes	Yes	No	Yes	No
WY	No	No	Yes	Yes	No	No	No

Question 92:

For any areas answered “no” in the previous question, please indicate the name of other agency/division/section that is responsible for that area:

State	NPDES	Air	Groundwater	Mine Waste	Hazardous/Solid Waste	Dam Safety	Mine Safety & Health
AL	AL Dept. of Environment Management (ADEM).				ADEM		AL Div. of Mine Safety & Inspection
AK	AK Dept. of Environmental Conservation (ADEC)				ADEC		MSHA *
AZ	AZ Dept. of Environmental Quality (ADEQ)/ Environmental Protection Agency (EPA)	ADEQ/EPA/ Some county orgs.	ADEQ/AZ Dept. of Water Resources (ADWR)	ADEQ/ Surface Management Agency (SMA)/ ADWR	ADEQ/SMA/EPA	ADWR	MSHA
AR						AR Natural Resources Commission	AR Dept. of Labor
CA	State Water Resources Control Board (SWRCB)	Air Resources Board	SWRCB	Office of Mine Reclamation/ SWRCB	SWRCB	Dept. of Water Resources	MSHA, California Occupational Safety & Health Administration (OSHA)
CO	Public Health & Environment (PHE)				PHE	State Engineer	MSHA
FL							
GA	Watershed Protection Branch	Air Protection Branch	Watershed Protection Branch			Watershed Protection Branch	MSHA
IL	IL Environmental Protection Agency (IEPA)				IEPA	IL Dept. of Natural Resources – Water Resources	Federal
IN	IN Dept. of Environmental Management (IDEM)				IDEM	IN Div. of Water, Dept. of Natural Resources	IN Department of Labor
IA	IA Dept. of Natural Resources						MSHA

State	NPDES	Air	Groundwater	Mine Waste	Hazardous/Solid Waste	Dam Safety	Mine Safety & Health
KS	NPDES = KS Dept. of Health & Environment (KDHE); Air = KDHE, Air Quality; Groundwater = KDHE, Bureau of Water; KS Water Office, KS Dept. of Agriculture				KDHE, Bureau of Waste Management	State Conservation Commission	MSHA
KY	KY Division of Water	KY Division of Air Quality			KY Div. of Solid Waste	KY Division of Water/MSHA	MSHA
LA	Dept. of Environmental Quality					Dept. of Transportation	MSHA
ME	NPDES = Dept. of Environmental Protection (DEP), Water Resource Regulation; Air = DEP, Air Bureau				DEP, Remediation & Waste Management		MSHA
MD	Waste Water Permits Program	Air Quality Management	Water Appropriation Program		Hazardous Waste Program	Dam Safety Division	
MI	Water Bureau, MI Dept. of Environmental Quality (MDEQ)	Air Quality Div., MDEQ	Water Bureau, MDEQ		Waste & Haz. Mats. Div., MDEQ	Land & Water Management Div., MDEQ	MI OSHA
MN	PCA **	PCA	Quality = PCA; Quantity = DNR DEWR		PCA and MN Dept. of Health	DNR DEWR	MSHA; Mine Inspector
MS	MDEQ Office of Pollution Control	MDEQ Office of Pollution Control	MDEQ Office of Pollution Control	N/A	MDEQ Office of Pollution Control	Office of Land and Water Resources	
MO	NPDES & Groundwater = Dept. of Natural Resources (DNR) Water Protection Program; Air = DNR Air Pollution Program				DNR Solid or Hazardous Waste Programs	DNR Dam Safety Program	Dept. of Labor & Industrial Relations
MT						Dept. of Natural Resources & Conservation	Dept. of Labor & Industry

State	NPDES	Air	Groundwater	Mine Waste	Hazardous/Solid Waste	Dam Safety	Mine Safety & Health
NV							State Mine Inspector
NJ	NJ Dept. of Environmental Protection						NJ Dept. of Labor & Workforce Development
NM	NM Environment Dept. (NMED)				NMED	NM Office of the State Engineer	MSHA
NY							NY State Dept. of Labor
NC	Div. of Water Quality	Div. of Air Quality	Div. of Water Quality		Div. of Waste Management		Dept. of Labor
ND	Health	Health	Water Commission	Health	Health	Water Commission	Public Service Commission
OH	OH Environmental Protection Agency (OEPA)				OEPA	MSHA/Div. of Water	MSHA & our Div. Safety Inspectors
OK	ODEQ	ODEQ	ODEQ, OWRB	ODEQ	ODEQ	USCOE	
OR							
PA		Along with Bureau of Air Quality			Bureau of Waste Management	Along with Bureau of Soils & Waterways	
SC	NPDES = SC Dept. of Health & Environmental Control (SCDHEC)/Bureau of Water; Air = SCDHEC/Bureau of Air Quality; Groundwater = SCDHEC/Bureau of Water				SCDHEC/Bureau of Land & Waste Mgmt./Div. of Waste Mgmt.	SCDHEC/Bureau of Water	US Dept. of Labor/MSHA
SD	NPDES = Dept. of Environment & Natural Resources (DENR), Surface water Quality Program; Air = Minerals & Mining Program regulates rock crushers and asphalt plants and DENR, Air Quality Program regulates all other emission sources; Groundwater = DENR, Minerals & Mining Program and Ground Water Quality Program have varying authorities related to mining.				DENR, Waste Management Program	DENR, Water Rights Program	MSHA

State	NPDES	Air	Groundwater	Mine Waste	Hazardous/Solid Waste	Dam Safety	Mine Safety & Health
TN				Unknown			MSHA, TN Dept. of Labor
TX	TX Commission on Environmental Quality (TCEQ)			TCEQ	TCEQ	TCEQ	MSHA
UT	Dept. of Environmental Quality (DEQ), Div. of Water Quality	DEQ, Div. of Air Quality	DEQ, Div. of Water Quality		DEQ, Div. of Solid & Hazardous Waste	Dept. of Natural Resources, Div. of Water Rights	MSHA, UT Labor Commission
VT							
VA	VA Dept. of Environmental Quality (VDEQ)	VDEQ			VDEQ		
WA	Ecology	Ecology	Ecology	Ecology	Ecology	Ecology	Labor & Industries and MSHA
WI	Dept. of Natural Resources (DNR), Water Reg.	DNR, Air Section				DNR, Dam Safety Section	MSHA
WV		WV Dept. of Environmental Protection (WVDEP), Office of Air Quality			WVDEP, Office of Water & Waste Management		Office of Miners Health, Safety & Training
WY	Same Dept., Water Quality Division	Same Dept., Air Quality Division			Same Dept., Solid & Hazardous Waste Division	State Engineers Office	State Mine Inspector's Office

* MSHA = Federal Mine Safety and Health Administration.

** Minnesota: PCA = MN Pollution Control Agency; MN DEWR = MN Division of Ecological & Water Resources.

Section V: Statistics

Question 93:
Number of regulated noncoal operations (inspectible units) in the state:

State	Underground	Surface
AL	2	447
AK	2	375
AZ		
AR		258 open-cut mines and 94 quarries
CA		1,400
CO	118 Hardrock	1,384 Construction Materials; 211 Prospecting Permits
FL	0	600
GA		824
IL	0	425
IN	0	7
IA	1,041	11
KS	7	1,095
KY	28	205
LA	0	0
ME	1 (Slate)	771 (Sand, Gravel, Dimension Stone)
MD	2	307
MI	144 (Brine & solution mining wells)	18 (Iron and dune sand)
MN	0	16 ferrous; 0 non-ferrous; 10 peat
MS	N/A	710
MO		775
MT	10	2,325
NV	Approximately 200 overall.	
NJ	0	Approximately 200
NM	12	67
NY	6	2,000
NC	920	892
ND	None	None
OH	2	625
OK	1	754
OR		

State	Underground	Surface
PA	8	2,150
SC	0	556
SD	None	Mine Permit – 47; Mine License – 1,929
TN	None	Approximately 75
TX	0	0
UT	37	617
VT		
VA	2	419
WA	2	1,100
WI	Unknown	1
WV	4	87
WY	0	652

**Questions 94 and 95:
Number of acres permitted and average acres reclaimed:**

State	Number of acres under permit:	Average acres reclaimed per year:
AL	11,000	300
AK	3,500	Approximately 100 per year
AZ		
AR	Open-Cut 30, 744; Quarries 7,437	Open-Cut: 182.69 (4 year average)
CA	Unknown	Unknown
CO	189,102	1,772
FL	Unknown	Not available for entire industry
GA	104,314	
IL	20,226	200
IN	632.25	
IA	Unknown	Unknown
KS	6,280	396
KY	50,538.38	Unknown
LA	0	0
ME	20,000	Unknown
MD	Approximately 19,000	Unknown – estimate 500
MI		
MN	200,000	1,500
MS	33,439	1,201
MO	Approximately 28,000	Approximately 600
MT	Approximately 61,000	Approximately 2,000
NV	Lots	Lots
NJ		
NM	24,886	386
NY	146,700	Approximately 1,500
NC	130,676	1,250
ND	0	0
OH	N/A	N/A
OK	145,000	2,000
OR		
PA	97,000	Not tracked

State	Number of acres under permit:	Average acres reclaimed per year:
SC	81,790	499.6
SD	Mine Permit – 6,515; Mine License – 17,469	Mine Permit – 167; Mine License – 218 (both based on 5 year average from 2000 - 2005).
TN	> 4,700	10
TX	0	0
UT	66,911	About 800
VT		
VA	28,061	350
WA		
WI	Unknown	Unknown
WV	12,363	Unknown
WY		Unknown

Questions 96, 97 and 98:

Column I (# 96): Is there a minimum number of site inspections required per year?

Column II (# 97): If yes to previous question, how many site inspections are required per year (indicate whether per calendar year, fiscal year, monthly, quarterly, etc.)?

Column III (# 98): How many inspections were actually conducted on regulated noncoal mines (inspectible units in earlier question) for the most recent calendar year? (Please specify year.)

State	Column I:	Column II:	Column III:
AL	Yes	Inactive – 1 per year; Active mines – 2 per year	In 2005: 300 inspections conducted.
AK	No	Although none are required we try to look at about 200 operations annually.	About 200 in 2006.
AZ			
AR	No		22 in 2012.
CA	Yes	1 per calendar year.	
CO	Yes	600 - 700 per Fiscal Year.	683
FL	No	Phosphate mines only – required quarterly inspections.	
GA	No		240 site inspections in 2012.
IL	No		1,095 inspections (1/01/2006 - 12/28/2006).
IN	No		21 (2012)
IA	No	N/A	No staff.
KS	No		2005: 236 for reclamation assistance.
KY	No		
LA	No		
ME	No		2006: 220 inspections.
MD	Yes	Annual inspections by law.	FY 2013: 1,927 inspections.
MI	Yes	For nonferrous metallic mineral mines, 4 per year by statute. For iron mines, 4 per year by policy. For brine and solution mining wells, 2 - 4 per year by policy.	Oct. 1, 2005 - Sept. 30, 2006: 75 inspections for iron and dune sand; 400 for brine and solution mining wells.
MN	No		2006: 30 inspections; 2012: approx. 45
MS	Yes	Once per calendar year per permit and complaints and bond releases.	783 inspections in 2012.
MO	No		2006: 99 inspections.
MT	No		1,720 in 2006.
NV	Yes	Dependent on mine type and size.	Approximately 800(?).
NJ	Yes	2 per year.	400+
NM	Yes	2 per large mining unit per year; 1 per small mining unit per year.	122 for calendar year 2006.

State	Column I:	Column II:	Column III:
NY	Yes	All sites for new applications must be inspected; all sites subject to permit renewal must be inspected; all sites seeking release of bonds, i.e. reclaimed, must be inspected. Each regional office must conduct a minimum number of compliance inspections each year in accordance with a work plan.	2,435 inspections in 2012.
NC	Yes	NC Mining Act of 1971 requires at least 1 inspection of each permitted mine site.	1,037 inspections for calendar year 2012.
ND	No		
OH	No		N/A
OK	Yes	4 to 6 times per year for active mine sites.	3,075
OR			
PA	No	Recommended: 2/year for large site and 1/year for small.	5,809 inspections in 2012.
SC	No		317 (2012).
SD	No		Mine Permit – 343 (2005); Mine License – 364 (2005).
TN	No		145 in 2005
TX	No	N/A	None
UT	No		393 in 2012.
VT			
VA	Yes	Underground mineral mines: safety inspections – not less frequently than 180 days; environmental and reclamation inspections – a minimum of one per year with additional inspections as needed. Surface mineral mines: for mines inspected by MSHA, safety inspections – only during accident investigations, complaint investigations and as requested by the operator. For mines not inspected by MSHA, safety inspections at least once per year, but may be more frequent. All surface mineral mines – environmental and reclamation inspections a minimum of one per year, with additional inspections as needed.	FY 2013: 2,601 inspections.
WA	No		
WI	No		Metallic mines – none currently operating in state; nonmetallic mines – inspected by local regulatory authorities, not the Dept. of Natural Resources.

State	Column I:	Column II:	Column III:
WV	Yes	Active operations are inspected at least once every calendar quarter. Operations with approved inactive status are inspected at least once every six months. More inspections may be conducted as necessary to ensure compliance.	590 in 2005.
WY	Yes	1 per calendar year per each site.	718 in calendar year 2012.

Question 99:

Estimated number of non-regulated or exempt mining operations (if applicable):

State	Underground	Surface
AL	0	494: 51 limestone quarries; 3 marble; 40 illegal; 200 county/roadwork; 200 chert.
AK	5	70
AZ		
AR	Unknown	Unknown
CA	Mines that disturb more than one acre or produce more than 1,000 cubic yards are regulated.	Mines that disturb more than one acre or produce more than 1,000 cubic yards are regulated.
CO	0	0
FL	0	
GA		
IL	0	None
IN	0 (Clay/Shale only)	0 (Clay/Shale only)
IA	None	None
KS	N/A	N/A
KY	None	None
LA		100 - 150? No one tracks it.
ME	Unknown	Unknown
MD	None	12 to 15
MI	1 (Salt mine)	26 rock quarries + numerous sand & gravel operations.
MN	Unknown	Unknown
MS	N/A	1,600
MO		Unknown
MT		
NV	Unknown	Unknown
NJ	0	0
NM	3	225
NY		
NC		
ND	0	0
OH		10
OK	0	90 – borrow pits
OR		

State	Underground	Surface
PA	0	200 - 400 (small, illegal)
SC		58
SD	0	0
TN	10	750
TX	Unavailable	Unavailable
UT	Unknown	Unknown
VT		
VA	0	1 ¹
WA		
WI	N/A	N/A
WV	0	17
WY	0	

¹ VDOT – extraction operations vary as to road projects.

Questions 100, 101 and 102:

Respondents were asked to indicate those mineral commodities (listed in the questionnaire) that are *currently being produced in the state*. Responses are listed alphabetically by state:

Alabama:

Surface/Regulated: Abrasive Materials, Bauxite and Alumina, Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Gold, Lightweight Aggregate, Mica Serecite (Scrap Mica), Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Topsoil.

Surface/Non-Regulated: Calcium & Calcium Compounds, Chert, Lime, Limestone & Dolomite, Stone (Crushed).

Underground/Non-Regulated: Limestone & Dolomite, Stone (Dimension)

Surface/Regulated Minor Metals: Magnetite.

Surface/Regulated Minor Non-Metals: Bentonite.

Alaska:

Surface/Regulated: Abrasive Materials, Antimony, Copper, Gold, Lead (Galena), Limestone & Dolomite, Sand & Gravel, Stone (Crushed), Tin.

Surface/Non-Regulated: Gem Stones, Gold, Sand & Gravel, Silver.

Underground/Regulated: Cobalt, Copper, Gold, Lead (Galena), Molybdenum, Nickel, Silver, Tin, Zinc (Sphalerite).

Underground/Non-Regulated: Gold.

Surface/Regulated Minor Metals: Magnetite.

Arizona:

Surface/Regulated: Abrasive Materials, Calcium & Calcium Compounds, Cement, Copper, Gem Stones, Gold, Gypsum, Lightweight Aggregate, Lime, Limestone & Dolomite, Mica Serecite (Scrap Mica), Molybdenum, Perlite, Pumice & Volcanic Cinder, Sand & Gravel, Silver, Sulfur & Pyrites.

Underground/Regulated: Gem Stones, Gold, Magnesium Compounds, Salt.

Surface/Regulated Minor Non-Metals: Bentonite, Zeolites.

Arkansas:

Surface/Regulated: Bauxite and Alumina, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Gypsum, Lightweight Aggregate, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Topsoil.

Surface/Non-Regulated: Cement, Feldspar, Nepheline Syenite, & Aplite, Lime, Limestone & Dolomite, Stone (Crushed), Stone (Dimension), Topsoil.

Underground/Non-Regulated: Sand – Silica.

Surface/Regulated Minor Non-Metals: Quartz Crystal.

Surface/Non-Regulated Minor Non-Metals: Quartz Crystal.

California:

Surface/Regulated: Abrasive Materials, Boron, Calcium & Calcium Compounds, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Diatomite, Feldspar, Nepheline Syenite & Aplite, Fluorspar, Gem Stones, Gold, Gypsum, Lightweight Aggregate, Lime, Limestone & Dolomite, Lithium, Magnesium, Magnesium Compounds, Perlite, Potash, Pumice & Volcanic Cinder, Rare-Earth Minerals & Metals, Salt, Sand & Gravel, Sand – Silica, Shale, Shell, Silicon, Silver, Solium Compounds, Stone (Crushed), Stone (Dimension); Talc & Pyrophyllite, Topsoil, Vermiculite.

Underground/Regulated: Gold.

Surface/Regulated Minor Metals: Magnetite.

Surface/Regulated Minor Non-Metals: Bentonite, Zeolites.

Colorado:

Surface/Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Copper, Gold, Gypsum, Peat, Sand & Gravel, Sand – Silica, Shale, Silver, Stone (Crushed), Stone (Dimension), Topsoil, Uranium, Vanadium, Vermiculite.

Underground/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Copper, Gold, Iron Oxide Pigments, Silver, Uranium, Vanadium.

Surface/Regulated Minor Non-Metals: Asphalt – Native, Bentonite.

Florida:

Surface/Regulated: Calcium & Calcium Compounds, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Limestone & Dolomite, Peat, Phosphate Rock, Sand & Gravel, Sand – Silica, Shell, Stone (Crushed), Titanium, Topsoil.

Surface/Regulated Minor Non-Metals: Stauroilite.

Georgia:

Surface/Regulated: Barite, Bauxite and Alumina, Cher, Clays (Kaolin, Common Clay, Fuller's Earth), Feldspar, Nepheline Syenite, & Aplite, Mica Serecite (Scrap Mica), Rare-Earth Minerals & Metals, Sand & Gravel, Shale, Stone (Crushed).

Surface/Non-Regulated: Stone (Dimension).

Illinois:

Surface/Regulated: Abrasive Materials, Calcium & Calcium Compounds, Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Lime, Limestone & Dolomite, Peat, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension).

Surface/Non-Regulated: Abrasive Materials, Calcium & Calcium Compounds, Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Lime, Limestone & Dolomite, Peat, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension).

Indiana:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Shale.

Surface/Non-Regulated: Cement, Lightweight Aggregate, Lime, Limestone & Dolomite, Peat, Sand & Gravel, Stone (Crushed), Stone (Dimension), Topsoil.

Underground/Non-Regulated: Gypsum, Lime, Limestone & Dolomite, Stone (Crushed), Stone (Dimension).

Iowa:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Gypsum, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica.

Underground/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Gypsum, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica.

Kansas:

Surface/Regulated: Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Gypsum, Lime, Limestone & Dolomite, Salt, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil.

Kentucky:

Surface/Regulated: Calcium & Calcium Compounds, Clays (Kaolin, Common Clay, Fuller's Earth), Lightweight Aggregate, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Tar Sands, Asphalt – Native.

Underground/Regulated: Calcium & Calcium Compounds, Fluorspar, Lime, Limestone & Dolomite, Stone (Crushed).

Louisiana:

Surface/Non-Regulated: Sand, Gravel, Clay, Salt, Ironstone (ore), shell, topsoil.

Maine:

Surface/Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Limestone & Dolomite, Peat, Sand & Gravel, Stone (Crushed), Stone (Dimension), Topsoil.

Surface/Non-Regulated: Gem Stones.

Underground/Non-Regulated: Gem Stones.

Maryland:

Surface/Regulated: Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Lime, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil.

Surface/Non-Regulated: None.

Underground/Regulated: Lime.

Underground/Non-Regulated: None.

Michigan:

Surface/Regulated: Iron Ore, Iron Oxide Pigments, Iron & Steel, Iron & Steel Scrap, Sand – Silica.

Surface/Non-Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Gem Stones, Gypsum, Lime, Limestone & Dolomite, Peat, Sand & Gravel, Sand – Silica, Slag – Iron & Steel, Stone (Crushed), Stone (Dimension), Titanium, Topsoil.

Underground/Regulated: Bromide, Calcium & Calcium Compounds, Magnesium, Magnesium Compounds, Potash, Salt, Sodium Compounds.

Underground/Non-Regulated: Salt.

Minnesota:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Iron Ore, Limestone & Dolomite, Peat, Sand & Gravel, Stone (Crushed), Stone (Dimension); Sand – Silica.

Surface/Non-Regulated: Peat, Topsoil.

Mississippi:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Lightweight Aggregates, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Topsoil, Bentonite.

Missouri:

Surface/Regulated: Abrasive Materials, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Lightweight Aggregate, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension).

Underground/Non-Regulated: Lead (Galena), Lime, Limestone & Dolomite, Zinc (Sphalerite).

Montana:

Surface/Regulated: Abrasive Materials, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Copper, Gem Stones, Gold, Iron Ore, Lead (Galena), Lightweight Aggregate, Lignite, Lime, Limestone & Dolomite, Molybdenum, Peat, Sand & Gravel, Shale, Silver, Stone (Crushed), Stone (Dimension), Talc & Pyrophyllite, Topsoil, Tungsten, Zinc (Sphalerite).

Surface/Non-Regulated: Gem Stones, Gold.

Underground/Regulated: Copper, Gold, Nickel, Platinum-Grown Materials, Silver.

Surface/Regulated/Minor Non-Metals: Bentonite.

Nevada:

Surface/Regulated: Barite, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Copper, Diatomite, Gold, Gypsum, Lightweight Aggregate, Lime, Limestone & Dolomite, Lithium, Magnesium, Molybdenum, Perlite, Pumice & Volcanic Cinder, Salt, Sand & Gravel, Silver, Stone (Crushed), Stone (Dimension).

Underground/Regulated: Gold, Molybdenum, Silver.

New Jersey:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Sand & Gravel, Shale, Stone (Crushed).

New Mexico:

Surface/Regulated: Abrasive Materials, Cement, Copper, Gold, Gypsum, Iron Ore, Limestone & Dolomite, Manganese, Molybdenum, Peat, Perlite, Pumice & Volcanic Cinder, Rare-Earth Minerals & Metals, Sand – Silica, Silver, Stone (Dimension).

Surface/Non-Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Gem Stones, Lightweight Aggregate, Limestone & Dolomite, Pumice & Volcanic Cinder, Salt, Sand & Gravel, Shale, Stone (Dimension), topsoil.

Underground/Regulated: Gold, Limestone & Dolomite, Molybdenum, Rare-Earth Minerals & Metals, Salt, Uranium.

Underground/Non-Regulated: Potash.

Surface/Regulated Minor Metals: Magnetite.

Surface/Regulated Minor Non-Metals: Zeolites.

Surface/Non-Regulated Minor Non-Metals: Quartz Crystal.

New York:

Surface/Regulated: Abrasive Materials, Lightweight Aggregate, Limestone & Dolomite, Peat, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil.

Underground/Regulated: Lightweight Aggregate, Limestone & Dolomite, Salt, Stone (Crushed), Zinc (Sphalerite).

Surface/Regulated Minor Non-Metals: Wollastonite.

Underground/Regulated Minor Non-Metals: Wollastonite.

North Carolina:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Feldspar, Nepheline Syenite & Aplite, Gem Stones, Kyanite & Related Materials, Lightweight Aggregate, Mica Serecite (Scrap Mica), Phosphate Rock, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Talc & Pyrophyllite, Topsoil.

North Dakota:

Surface/Regulated: Lignite.

Surface/Non-Regulated: Abrasive Materials, Clays (Kaolin, Common Clay, Fuller's Earth), Pumice & Volcanic Cinder, Sand & Gravel, Stone (Crushed).

Ohio:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil.

Underground/Non-Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Limestone & Dolomite, Salt.

Oklahoma:

Surface/Regulated: Calcium and Calcium Compounds (Chat), Chert (Flint), Clays (Kaolin, Common Clay, Fuller's Earth), Gypsum, Limestone & Dolomite, Pumice and Volcanic Salt, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil, Chert, Granite, Tripoli.

Underground/Regulated: Limestone & Dolomite.

Oregon:**Pennsylvania:**

Surface/Regulated: Calcium & Calcium Compounds, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Lightweight Aggregate, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Slag – Iron & Steel, Stone (Crushed), Stone (Dimension), Talc & Pyrophyllite, Topsoil.

Surface/Unregulated: Iron & Steel, Iron & Steel Scrap, Topsoil.

Underground/Regulated: Calcium & Calcium Compounds, Lime, Limestone & Dolomite, Stone (Crushed).

South Carolina:

Surface/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Gold, Limestone & Dolomite, Mica Serecite (Scrap Mica), Peat, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Topsoil, Vermiculite.

South Dakota:

Surface/Regulated: Beryllium, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Columbium & Tantalum, Feldspar, Nepheline Syenite & Aplite, Gem Stones, Gold, Gypsum, Iron Ore, Lightweight Aggregate, Lime, Limestone & Dolomite, Lithium, Mica Serecite (Scrap Mica), Sand & Gravel, Sand – Silica, Shale, Silver, Stone (Crushed), Stone (Dimension).

Surface/Regulated/Minor Non-Metals: Bentonite.

Tennessee:

Surface/Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Sand & Gravel, Sand Silica, Shale.

Surface/Non-Regulated: Chert, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Stone (Crushed), Stone (Dimension), Topsoil.

Underground/Non-Regulated: Zinc (Sphalerite).

Texas:

Surface/Regulated: Lignite, Uranium

Surface/Non-Regulated: Barite, Calcium & Calcium Compounds, Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Gem Stones, Gypsum, Iron & Steel Scrap, Lightweight Aggregate, Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Silver, Stone (Crushed), Stone (Dimension), Sulfur & Pyrites, Talc & Pyrophyllite, Topsoil.

Underground/Non-Regulated: Helium, Salt.

Utah:

Surface/Regulated: Abrasive Materials, Aluminum, Bauxite & Alumina, Beryllium, Calcium & Calcium Compounds, Cement, Chert, Clays (Kaolin, Common Clay, Fuller's Earth), Copper, Diatomite, Fluorspar, Gem Stones, Gold, Gypsum, Iron Ore, Lightweight Aggregate, Lime, Limestone & Dolomite, Magnesium, Magnesium Compounds, Manganese, Mercury, Molybdenum, Oil Shale, Peat, Perlite, Phosphate Rock, Potash, Pumice & Volcanic Cinder, Rare-Earth Minerals & Metals, Salt, Sand & Gravel, Sand – Silica, Shale, Silver, Stone (Crushed), Stone (Dimension), Tar Sands, Tungsten, Uranium, Vanadium.

Surface/Non-Regulated: Sand & Gravel.

Underground/Regulated: Clays (Kaolin, Common Clay, Fuller's Earth), Gold, Lead (Galena), Oil Shale, Salt, Shale, Silver, Uranium, Vanadium, Zinc (Sphalerite).

Surface/Regulated Minor Non-Metals: Asphalt – Native, Bentonite.

Surface/Non-Regulated Minor Non-Metals: Zeolites.

Underground/Non-Regulated Minor Non-Metals: Quartz Crystal.

Vermont:**Virginia:**

Surface/Regulated: Abrasive Materials, Calcium & Calcium Compounds, Clays (Kaolin, Common Clay, Fuller's Earth), Feldspar, Nepheline, Syenite & Aplite, Gem Stones, Iron Oxide Pigments, Kyanite & Related Materials, Lime, Limestone & Dolomite, Salt, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension), Vermiculite.

Surface Non-Regulated: Topsoil.

Washington:

Surface/Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Diatomite, Gold, Lead (Galena), Lime, Limestone & Dolomite, Magnesium, Peat, Pumice & Volcanic Cinder, Sand & Gravel, Sand – Silica, Stone (Crushed) Topsoil, Zinc (Sphalerite).

Underground/Non-Regulated: Gold, Lead (Galena), Zinc (Sphalerite).

Wisconsin:

Surface/Regulated: Limestone & Dolomite, Sand & Gravel, Sand – Silica, Stone (Crushed), Stone (Dimension).

Underground/Regulated: Sand – Silica.

West Virginia:

Surface Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Lime, Limestone & Dolomite, Sand & Gravel, Sand – Silica, Shale, Stone (Crushed), Stone (Dimension).

Surface/Non-Regulated: Chert.

Wyoming:

Surface/Regulated: Cement, Clays (Kaolin, Common Clay, Fuller's Earth), Feldspar, Nepheline Syenite & Aplite, Gold, Gypsum, Lightweight Aggregate, Lime, Limestone & Dolomite, Pumice & Volcanic Cinder, Sand & Gravel, Shale, Stone (Crushed), Stone (Dimension).

Surface/Non-Regulated: Stone (Dimension).

Underground/Regulated: Salt, Uranium.

Surface/Regulated Minor Non-Metals: Bentonite, Zeolites.

Section VI: Additional Data

Question 103:

What are the most significant problems in noncoal minerals mining in your state? (Place an “x” for all that apply and rank the top five.)

State	Blasting	Fugitive Dust	Water Quality	Visual Screening	Safety	Reclamation	Land use / Zoning	Ground-water Withdrawal	Ground De-watering	Sink-holes / Subsidence	Erosion/ Sedimentation	Traffic	Reclamation Bonds	Noise	Other (Specify)
AL	2					1	4				5		3		
AK			5			1					4		3		(2) Trespass
AZ															Urban Mine Interface
AR	5					2	3				1	x	3		
CA	x	3	x	x	x	5	4		x		x	1	x	2	
CO	x	x	2	x	4	3	x	x	x	x	5	x	1		
GA	x	x	3			2				4	1	x	5		
IL															None
IN							1				2				
IA	1	5	4				2				3				
KS							x *						x **		
KY	1	3					5			2	4				
LA			x		x	x	x				x				
ME	1	2	x			5	x				x	3		4	
MD	3	4					1			5			2		
MI			4			2	1					3		5	
MN	5	2	1	x	4	3	x	x	x	x	x		x	x	
MS			3			1	x				2	x	4	x	
MO	1 ***	x	x		4	x	2 ***			x	5	x ***	x	x ***	

State	Blasting	Fugitive Dust	Water Quality	Visual Screening	Safety	Reclamation	Land Use / Zoning	Ground-water Withdrawal	Ground De-watering	Sink-holes / Subsidence	Erosion / Sedimentation	Traffic	Reclamation Bonds	Noise	Other (Specify)
MT		x	1	5			3				4	x	2	x	
NJ	x				x					x		x		x	
NM		x	x			x	x			x	x	x	x	x	Soil Cover
NY	1	2	5	x		x			x		4	x	x	3	
NC	3	x	x	x	x	4	x	2	x	x	5	x	x	x	(1) Mining Without A Permit
OH	5						1	3	2			4			
OK	1	6					3	2	4						
PA	1	x	x		5	2	x	3		4	x	x		x	Adjacent Property Value
SC	4	x				1		5			3		2		Adjacent Property Value
SD	x	x	4	x		x	x				3		5		(1) Acid Rock Drainage at Gold Mines; (2) Ground Water Pollution (Nitrates)
TN	2	5	1	x		x	3				x	4		x	
TX						x									
UT	5	4	3			2							1		
VA	1	3	x	x	5	x	4				x			2	
WA						x	x					x	x	x	
WI		3	2		x		x	1				4		5	

State	Blasting	Fugitive Dust	Water Quality	Visual Screening	Safety	Reclamation	Land Use / Zoning	Ground-water Withdrawal	Ground De-watering	Sink-holes / Subsidence	Erosion / Sedimentation	Traffic	Reclamation Bonds	Noise	Other (Specify)
WV	5	4		x		3					2	x	1		
WY	x	x		x			x					x		x	

* KS: In urban expansion areas.

** KS: Just beginning to be a problem to find underwriters.

*** MO: No law.

Question 104:

Does your agency or do related agencies have special experience in any of the following areas that can be made available to others? (Areas listed included: Blasting, Operation of Seismograph, Water Quality, Air Quality, Sinkholes (Formation, Prevention), Endangered Species, Public Safety/Mine Safety, Hazardous Wastes as defined by RCRA and/or TSCA, Noise, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.)

State	Response:
AK	Blasting, Operation of Seismograph, Water Quality, Air Quality, Sinkholes (Formation, Prevention), Endangered Species, Public Safety/Mine Safety, Hazardous Wastes defined by RCRA and/or TSCA, Noise, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
AZ	Blasting, Operation of Seismograph, Water Quality, Air Quality, Sinkholes (Formation, Prevention), Endangered Species, Public Safety/Mine Safety, Hazardous Wastes as defined by RCRA and/or TSCA, Noise, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
CA	Operation of Seismograph, Endangered Species, Resource Evaluation, Erosion Control, Revegetation.
CO	Blasting, Water Quality, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
GA	Blasting, Water Quality, Air Quality, Sinkholes (Formation, Prevention), Endangered Species, Hazardous Wastes as defined by RCRA and/or TSCA, Erosion Control, Mine Engineering/Planning, Mining Geology, Hydrology.
IL	Blasting, Operation of Seismograph, Endangered Species, Public Safety/Mine Safety, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
IN	Blasting, Operation of Seismograph, Water Quality, Sinkholes (Formation, Prevention), Endangered Species, Erosion Control, Revegetation, Mining Geology, Hydrology.
IA	Blasting, Operation of Seismograph, Water Quality, Sinkholes (Formation, Prevention), Endangered Species, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
KY	Blasting, Operation of Seismograph, Water Quality, Sinkholes (Formation, Prevention), Endangered Species, Erosion Control, Revegetation, Hydrology.
ME	Blasting, Water Quality, Air Quality, Endangered Species, Hazardous Wastes as defined by RCRA and/or TSCA, Noise, Resource Evaluation, Erosion Control, Revegetation, Mining Geology, Hydrology.
MD	Sinkholes (Formation, Prevention), Erosion Control.
MI	Water Quality, Air Quality, Sinkholes (Formation, Prevention), Endangered Species, Hazardous Wastes as defined by RCRA and/or TSCA, Resource Evaluation, Erosion Control, Mine Engineering/Planning, Mining Geology, Hydrology.
MN	Water Quality, Air Quality, Endangered Species, Public Safety/Mine Safety, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.

State	Response:
MT	Blasting, Operation of Seismograph, Water Quality, Air Quality, Sinkholes (Formation, Prevention), Hazardous Wastes as defined by RCRA and/or TSCA, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
NJ	Blasting, Operation of Seismograph, Sinkholes (Formation, Prevention), Public Safety/Mine Safety, Mining Geology.
NM	Water Quality, Erosion Control, Revegetation, Hydrology.
NY	Blasting, Operation of Seismograph, Water Quality, Air Quality, Endangered Species, Hazardous Wastes as defined by RCRA and/or TSCA, Noise, Erosion Control, Revegetation, Mining Geology, Hydrology.
OH	Blasting, Operation of Seismograph, Public Safety/Mine Safety.
OK	Public Safety/Mine Safety.
PA	Blasting, Operation of Seismograph, Water Quality, Sinkholes (Formation, Prevention), Public Safety/Mine Safety, Noise, Erosion Control, Revegetation, Mining Geology, Hydrology.
SC	Sinkholes (Formation, Prevention), Revegetation, Hydrology.
SD	Operation of Seismograph, Water Quality, Air Quality, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
TN	Blasting, Operation of Seismograph, Water Quality, Endangered Species, Erosion Control, Revegetation.
TX	Blasting, Operation of Seismograph, Water Quality, Sinkholes (Formation, Prevention), Endangered Species, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
UT	Blasting, Operation of Seismograph, Water Quality, Air Quality, Sinkholes, Endangered Species, Public Safety/Mine Safety, Hazardous Wastes as Defined by RCRA and/or TSCA, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
VA	Blasting, Operation of Seismograph, Public Safety/Mine Safety, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology.
WA	Blasting, Operation of Seismograph, Water Quality, Air Quality, Endangered Species, Public Safety/Mine Safety, Hazardous Wastes as defined by RCRA and/or TSCA, Noise, Resource Evaluation, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
WV	Blasting, Operation of Seismograph, Water Quality, Air Quality, Endangered Species, Public Safety/Mine Safety, Hazardous Wastes as defined by RCRA and TSCA, Erosion Control, Revegetation, Mine Engineering/Planning, Mining Geology, Hydrology.
WY	Blasting, Operation of Seismograph, Erosion Control, Revegetation, Mining Geology, Hydrology.

Question 105:

List publications developed in your state that may be useful to other states. Identify as to type (technical, general information, legislative, etc.). Please provide date of publication and contact person for this information:

State	Response:
AK	See: www.dggs.state.ak.us for list and authors.
AZ	http://www.asmi.state.az.us/documents/summit.pdf (Technical and general) Contact: Ralph Costa, U.S. Bureau of Land Management, AZ State Office.
IN	Nothing related to noncoal sources.
ME	http://www.state.me.us/dep/publications.htm
MD	Education lesson plans 2002, 2004 and 2007.
MN	http://www.dnr.state.mn.us/lands_minerals/mineland_reclamation/research.html http://www.dnr.state.mn.us/lands_minerals/dnr_hg_research.html http://www.dnr.state.mn.us/lands_minerals/dnr_so4_research.html http://www.dnr.state.mn.us/lands_minerals/reclamation/reclamation_publications_list.pdf
NJ	Abandoned Magnetite Iron Mines of New Jersey; Various regional books available published in 1977 through 1998. Contact person: Howard Black, Director.
NY	Revegetation Procedures Manual – Technical – 2005; Technical Guidance for Creating Wetlands – 1997 (Technical); Various outreach posters & hand-outs; Mined Land Applicant’s Guide – Technical – 2005. Contact person: Steve Potter, phone: 518.402.8072.
OK	The Department of Mines produces a “Safety Gram” each month that is given to each operation in the state. Each month is dedicated to a new topic for discussion for Mine Safety.
PA	General information “Fact Sheets” on: Sinkholes (also website) Quarries and Your Water Supply. Available at www.depweb.state.pa under eLibrary publications – mining, or from PA program contact listed at the end of this report.
SD	The contact person for this information is Eric Holm, phone 605.773.4201. In 2013, the SD Legislature repealed the law that requires our office to produce the annual report.
TN	Sediment and Erosion Control Manual – 2003 Paul Schmierbach
UT	The Practical Guide to Reclamation in Utah – General information available on the Division website at www.ogm.utah.gov .
VA	Mineral Mine Operator’s Manual published Spring 2007
WA	BMP Manual 1997
WV	Technical Handbook of Standards and Specifications for Erosion Control, Excess Spoil Disposal, Haulageways for Mining Operations in West Virginia. Published in 1970's. Contact person: Harold Parsons. Geologic Handbook. Published in 2005. Contact person: Nick Schaer.

Question 106:**What is the value and amount of noncoal mineral production in your state for the last year of record?**

State	Year	Value	Tonnage
AL	FY 2005		55 million tons
AK	2005	\$1.402 billion	18 million tons
AZ	2006	\$6.71 billion (Preliminary USGS Estimates)	Unknown
AR		Unknown	Unknown
CA			
CO	2008	\$2.155 billion (Source: CO Mining Association)	Unknown
FL	2004	\$2.32 billion	
GA			
IL		Unknown	Unknown
IN	2012	Unknown	Unknown
IA	2006	Lots	30 million tons – limestone, plus sand and gravel, and gypsum
KS	2012		30,174,222
KY			Unknown
LA			
ME	Unknown	Unknown	Unknown
MD	FY 2013	\$182,000,000	32,181,499
MI	2004	1.67 billion	
MN	2011	\$3,692,176,622 (Dept. of Revenue mine value for occupation (income) tax purposes)	40,091,858
MS		Not part of department records.	Not part of department records.
MO		Unknown	Unknown
MT	2005	\$866,033,000	Unavailable
NV	2005	\$3.7 billion	
NJ	Not Available	Not Available	Not Available
NM	2006	\$1,859,392,448	53,000,000
NY	2010	\$1.3 billion	Not Tracked
NC	2004	\$805,000,000.00	
ND	2003	\$46 million	13 million metric tons
OH	2005	\$899,942,994	139,637,426
OK	2011		88,485,948
OR			

State	Year	Value	Tonnage
PA	2013	Not Tracked	Not currently accessible
SC	2009	\$449,000,000	3.8 metric tons (only crushed stone, construction sand, gravel)
SD	2008	\$246 million	Total of 17,845 metric tons of common clays, sand and gravel, and crushed stone. 60,665 ounces of gold and 226,000 ounces of silver were also mined. Other mineral tonnage not available.
TN	Unknown	Unknown	Unknown
TX	Unavailable	Unavailable	Unavailable
UT	2011	\$4.63 billion	
VT			
VA	2012	\$1.1 billion	62.2 short tons
WA	2006	\$650,000,000	60,000,000
WV			
WI		Unknown	Unknown
WY	2012	Unknown	Estimate 22,300,765 tons for 2012 including uranium, bentonite, and trona, but not other noncoal minerals like sand and gravel.

Question 107:

If available, please provide a web site address where a copy of your state's current noncoal minerals law(s) and regulations (as identified on the first page of this questionnaire) can be obtained.

State	Response:
AL	dir.alabama.gov Downloads: Mining & Reclamation Div. or Code of AL 1975 Section 9-16-1 9-16-15
AK	www.dnr.state.ak.us/mlw/
AZ	http://www.azleg.gov/ArizonaRevisedStatutes.asp Title 27
AR	www.adeq.state.ar.us
CO	http://mining.state.co.us (Colorado Division of Reclamation Mining and Safety)
FL	http://www.dep.state.fl.us/legal/Rules/mainrulelist.htm
GA	www.gaepd.org
IL	http://dnr.state.il.us/mines/ommActs.htm
IN	http://www.in.gov/legislative/ic/code/title14/ar36/
IA	Statute: http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinto&service=IowaCode&ga=82 Noncoal Rules: http://www.legis.state.ia.us/Rules/Current/iac/027iac/2760/2760.pdf
KS	agriculture.ks.gov
KY	www.dnr.ky.gov
LA	http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=129
ME	http://www.state.me.us/dep/blwq/docstand/miningpage.htm
MD	www.mde.state.md.us
MI	www.michigan.gov/deqogs
MN	www.revisor.leg.state.mn.us
MS	deq.State.ms.us
MO	Law: www.moga.mo.gov/STATUTES/C444.htm ; Rules: www.sos.mo.gov/CSR/IOCSR/10CSR.asp
NV	http://www.leg.state.nv.us/
NJ	NJLWD.org / safety compliance
NM	http://www.emnrd.state.nm.us/MMD/MARP/MARPMainPage.htm
NY	www.dec.state.ny.us/website/dmn
NC	http://portal.ncdenr.org/web/lr/mining
ND	http://www.state.nd.us/ndgs/subsurface/subsurface1.htm
OH	http://www.dnr.state.oh.us/Mineral
OK	www.ok.gov/mines
PA	www.pacode.com Title 25 Ch. 77
SC	Law – http://www.scstatehouse.net/code/t48c020.htm ; Regulations – http://www.scstatehouse.net/coderegs/c089.doc

State	Response:
SD	http://denr.sd.gov/des/mm/minepermits.aspx
TN	Tennessee State Home Page (http://www.tennessee.gov/sos/rules/rules2.htm) – Rules – Law is TCA 59-8-101 et. seq. And Regulations are Sec. 0400-3-1-.01 et. seq.
TX	www.rrc.state.tx.us
UT	Rules: www.rules.utah.gov/publicat/code/r647/r647.htm Act: le.utah.gov/UtahCode/section.jsp?code=40-8
VA	www.dmme.virginia.gov
WA	http://www.dnr.wa.gov/geology/
WI	www.dnr.state.wi.us
WV	http://www.wvdep.org/item.cfm?ssid=9&ssid=39
WY	http://soswy.state.wy.us/rules

Question 108:

Any other comments pertaining to date in the report [Note: Some of the comments were incorporated into answers to individual questions where appropriate]:

State	Comments:
AL	The largest hard rock industry in Alabama is limestone. Limestone is unregulated. They are exempt by statute. Sandstone and granite are regulated.
FL	In Florida there is no single state agency that regulates mining. Several different state, regional and local agencies regulate very specific activities that can occur at mines. Counties approve mining as part of their land use authority.
IN	This agency does not regulate noncoal mining other than clay and shale operations.
IA	Iowa Dept. of Natural Resources regulates water, air. Iowa Public Safety regulates blasting. No minerals staff since 2001. Iowa has not had anyone working in the noncoal area since 2001-2002. The state “registers” sites as opposed to “permitting” them, and as such does not regulate day-to-day operations of noncoal mining, except for a few areas (set-backs, signs, etc.).
KS	The answers provided refer to the Mined Land Reclamation Program that deals with reclamation issues. Daily operation enforcement is not a part of the program.
MI	Sand (except dune sand), gravel, peat, marl, and clay are not subject to mining and reclamation laws in Michigan. We also consider rock quarries and gypsum mines as unregulated – they fall under our mining and reclamation law, but have not been subject to any regulatory oversight for many years due to lack of funding. However, all of these mines are subject to water quality, air quality, wetland, soil erosion, and other laws, where applicable.
MN	The majority of these questions were answered from the perspective of ferrous, non-ferrous, and peat mining regulation. Those noncoal minerals are handled on a state-wide basis. Sand, gravel, dimension stone, limestone (etc. from questions 100 - 102) are regulated at a local level (e.g. counties, cities) and not addressed at a detailed level in responses contained herein.
SD	Regarding questions 71 and 72, the postclosure requirements do not apply to mine licenses.
TX	Question 100 Note: Have no data about current production. Question 103 Note: unable to rank. Noncoal minerals mining is unregulated with respect to reclamation except for uranium mining both surface and in-situ.
WI	Our state regulations are broken down into 2 categories – metallic and nonmetallic mining. There are currently no active metallic mines in Wisconsin. We have numerous sand/gravel pits and quarries for crushed rock and dimension stone, but they are regulated at the local level.

Question 109:
Contact person in your state for noncoal minerals:

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