

3.08 COAL MINING PERMIT

- ❑ *Question: Do I plan to mine for coal?*

Why do I need this approval?

Coal is an important natural resource for Maryland and the economy of Maryland's only coal producing counties - Allegany and Garrett.

Because of the potential environmental problems associated with the mining of coal, Maryland requires a permit prior to the start of any mining operation. Permits are required for surface coal mining, deep coal mining, prospecting, preparation plants, loading facilities and, refuse reclamation operations.

(NOTE: Pending regulations will require special approval from the Department regarding the use of coal combustion byproducts for reclamation in a coal mining operation.)

What laws or regulations give MDE the legal authority to issue this approval?

FEDERAL: Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)

STATE: Environment Article, Title 15, Subtitle 5 and Subtitle 6; COMAR 26.20.

What is the process to get this approval?

1) Submit an original and 3 copies of an application for distribution to federal and state agencies for review and comment to:

Department of the Environment
Bureau of Mines
160 South Water Street
Frostburg Maryland 21532

2) Upon notification that the application is complete, the applicant shall publish notice at least once a week for 4 consecutive weeks in a newspaper of general circulation in the county where the proposed activity will be located. This notice will explain where to submit comments, how to request a public information hearing, or how to get on the interested persons mailing list.

3) A detailed review of the application is conducted by the Department. Once the application is determined to be in compliance with the regulatory program, a public informational hearing is held, if requested.

4) The permit will be issued or denied following the public hearing, or in the absence of a public hearing, upon final review and resolution of any outstanding issues, and submittal of the required performance bond.

Before I apply for this approval, do I need to get any approvals from the local or federal government?

Operations that will occur in Allegany County or within the watershed of Deep Creek Lake in Garrett County must obtain approval from local zoning authorities to conduct a mining operation.

Is this approval directly related or contingent on other approvals?

The applicant must apply for and obtain a Coal Mine Operator's License (3.10) prior to permit issuance and the

Maryland Land Reclamation Committee must approve the reclamation plan in the application. Additionally, other local and state approvals may be required dependent upon the location of the proposed operation, and other features that may be affected incidental to the mining operation. Other approvals or permits that may be required include local planning and zoning permits; road entrance permits; county grading permit; industrial discharge permit (3.01); water appropriation and use permit (3.15); surface coal mining blaster certification (3.09); wetlands and waterways permit (3.19 or 3.20); erosion/sediment control approval (3.21); general permit for construction activity (3.23); and air quality permit (1.01, 1.02, 1.03, 1.04 or 1.05).

Are there any other requirements?

Applicants must post a performance bond prior to issuance of a permit and provide proof of a public liability insurance coverage. Performance bond amount is based on size of the proposed operation and other factors, cannot be less than \$10,000, and is likely to range between \$2,000 and \$5,000 per acre of permit area. Public liability insurance must cover injury and property damage, including damage from use of explosives and damage to water supplies, with a minimum coverage of \$300,000 per occurrence and \$500,000 aggregate for each type.

How long should I expect it to take to get this approval once I submit a complete application?

Application processing time varies depending upon the complexity of the proposed operation, the amount of public comment, and environmental issues. Twelve months is considered the standard processing time from the date of original submission to a permit decision.

Once I get this approval, how long will it last?

Coal mine operations permits are issued for a period of five years with the right of successive renewal, as long as the operation is being conducted in compliance with the regulatory program. Renewal requires the filing of a Renewal Application 120 days prior to expiration of the permit. Maximum of five years

How much will this approval cost?

| Type of Approval | Fee |
|----------------------------|-----------------------------------|
| Surface coal mining permit | \$10 |
| Special reclamation | \$75 for each acre to be affected |
| Deep coal mining permit | \$200 |

Who do I contact with additional questions?

John E. Carey or Alan V. Hooker

Mining Program

Bureau of Mines

John.Carey@maryland.gov or

Al.Hooker@maryland.gov

(301) 689-1440

Related link:

<https://mde.maryland.gov/programs/Land/Pages/landpermits.aspx>