



Rules of Department of Natural Resources Division 40—Land Reclamation Commission Chapter 10—Permit and Performance Requirements for Industrial Mineral Open Pit and In-Stream Sand and Gravel Operations

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Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 40—Land Reclamation Commission

Chapter 10—Permit and Performance Requirements for Industrial Mineral Open Pit and In-Stream Sand and Gravel Operations

10 CSR 40-10.010 Permit Requirements for Industrial Mineral Operations

PURPOSE: This rule sets forth requirements for permit application pursuant to sections 444.770, 444.772 and 444.778, RSMo.

(1) Operations Required to Have Permits. Any person, firm or corporation engaged in or controlling surface mining of industrial minerals in areas opened on or after January 1, 1972, must obtain a permit from the Land Reclamation Commission in accordance with section 444.770.1. and 444.770.2., RSMo. The effective date for having to obtain a permit for minerals not covered previously under the provisions of the Land Reclamation Act, as amended is August 28, 1990.

(A) After August 28, 1990, surface mining for the following industrial minerals shall require a permit:

1. Gravel;
2. Limestone;
3. Granite;
4. Traprock;
5. Tar sands;
6. Clay;
7. Barite;
8. Sandstone;
9. Oil shale;
10. Sand;
11. Shale; and
12. All others as defined in 444.765.4., RSMo.

(2) Operations Not Required to Obtain a Land Reclamation Permit.

(A) These regulations do not apply to iron, lead, zinc, gold, silver, coal, water, fill dirt, natural oil or gas.

(B) Surface mining for industrial minerals may be conducted without a permit by any—

1. Individual for personal use only; and
2. Political subdivision including, but not limited to, county, city, state or branch of the military which uses its own personnel and equipment to obtain minerals for its own use.

(C) As stated in section 444.770.4., RSMo, any portion of a surface mining operation which is subject to sections 260.200—260.245, RSMo, and the associated regulations on solid waste disposal will not be required to obtain a surface mining permit. Any permits already

issued for a surface mining operation will be canceled by the Land Reclamation Commission if the operator shows that s/he has received and initiated operations under a solid waste permit for the same area. This submittal shall consist of a letter from the Waste Management Program showing issuance of a solid waste disposal permit or sanitary landfill permit and include the legal description of the site(s), the effective date and expiration date of the permit, the date that disposal began and plans for closure and post-closure.

(D) For surface mine operations initiated after September 28, 1971 that are controlled by a governmental agency whose regulations require the mining and reclamation operation to comply with standards that are greater than or equal to the standards in section 444.774, RSMo of the Land Reclamation Act these operations are—

1. Not subject to the permitting requirements under sections 444.760—444.790, RSMo; and

2. Required to register with the Land Reclamation Commission prior to operating. Registration will consist of providing—

A. The name of the governmental agency conducting the surface mine operations and the legal description of the operations;

B. A copy of the law and rules which are applicable to the operation; and

C. A description of the operation.

(E) In-stream sand and gravel dredging operations in the Missouri and Mississippi Rivers which are regulated by the Department of the Army, Corps of Engineers, under section 10 of the 1899 Rivers and Harbors Act, and/or section 404 of the Clean Water Act shall register with the Land Reclamation Commission by furnishing a copy of their current Department of the Army permit and supporting documents to the commission within thirty (30) days after the effective date of these regulations (February 6, 1992) or within thirty (30) days after issuance of a Department of the Army permit, whichever occurs first. Thereafter, these operations shall register on January 1 or each year so long as the operation is active.

Auth: sections 444.767, RSMo (Cum. Supp. 1993), 444.770 and 444.784, RSMo (Cum. Supp. 1990). Original rule filed Aug. 2, 1991, effective Feb. 6, 1992. Amended: Filed June 1, 1994, effective Nov. 30, 1994.*

**Original authority: 444.767, RSMo (1971), amended 1990, 1993 and 444.770 and 444.784, RSMo (1971), amended 1991.*

10 CSR 40-10.020 Permit Application Requirements

PURPOSE: This rule complies with sections 444.772, 444.774 and 444.778, RSMo by setting forth the requirements for surface mine operators to obtain the necessary permit from the Land Reclamation Commission.

(1) The commission shall prescribe the form and content of the application to be submitted to the commission in order for an operator to obtain a mining permit. The applicant must submit the required information before a permit may be issued.

(2) As required by section 444.772, RSMo, an applicant shall provide a complete application package submitted which includes the following:

(A) A completed application form supplied by the commission signed and dated by an officer of the applicant or other authorized representative of the applicant. The form shall contain at least the following information:

1. The applicant's name;
2. The name of an individual in charge of the operation;
3. The permanent and temporary post office address of the applicant;
4. The name of a person to contact about the application;
5. A legal description to the nearest one-quarter, one-quarter (1/4, 1/4) section and the estimated number of acres of any land to be affected by surface mining by the applicant during the succeeding twelve (12)-month term of the permit;

6. The source of the applicant's legal right to mine the land affected by the permit;

7. A list of permits which the applicant or any person associated with the applicant in a management function holds or has held under sections 444.500—444.789, RSMo;

8. A list of the names of all persons with any ownership interest in the land or mineral to be mined, both surface and subsurface; and

9. The mineral to be mined;

(B) The authorized written consent of the applicant and any other persons necessary to grant access to the commission, director, his/her staff or other appropriate state agency staff to the area of land affected under the application or permit during all phases of operation and reclamation;

(C) On areas leased after August 28, 1990, the applicant shall obtain from the landowner a signed approval of the post-reclamation land use or shall provide other written proof that s/he has determined the post-reclamation land use in conjunction with the landowner. This landowner approval shall be required only for

the original permit application unless there is a change in the post-reclamation land use;

(D) A plan of operation and reclamation which meets the requirements of 444.760—444.790, RSMo.

1. The operation plan for surface mine operators shall include:

A. A brief description of topsoil availability, removal and storage as outlined in 10 CSR 40-10.050(6);

B. A brief description and location of spoil placement and disposal;

C. A brief description of handling of acid materials, if applicable; and

D. A brief description of the location and arrangement of the pit if not delineated clearly on the map submitted with the application.

2. All applications shall contain a reclamation and operation plan for the lands and water within the proposed permit area.

3. The reclamation plan shall include, at a minimum:

A. A list of species used for reclamation and the seeding/planting rates;

B. Methods and timing of seeding/planting;

C. If required by the commission, references to support revegetation methods;

D. A brief description of the grading, topsoiling and revegetation schedules as outlined in 10 CSR 40-10.050(10); and

E. The land use that area is to be reclaimed to and the acreage of each.

4. In-stream operators must describe what measures will be taken to minimize impacts on the stream environment, that is, where possible, confining active mining operations to gravel bars rather than in flowing water, restricting haul roads through flowing water and restricting damage to stream banks or bank vegetation to the minimum required to transport the material out.

5. The applicant may provide either a short-term or long-term plan for operations and reclamation. A short-term plan shall describe, at a minimum, the activities required by the operation and reclamation plan outlined in this subsection, which will occur over the one (1)-year term of the permit. A long-term plan shall describe, at a minimum, the activities required by the operation and reclamation plan outlined in this subsection which will occur over more than one (1) year. Permits having long-term operation plans will be issued for one (1)-year terms, except that, upon renewal, the applicant is not required to resubmit an operation plan, provided that the operations will continue to be conducted in the manner originally proposed. Also, the operator only must acquire a permit for the portion of the area included in the long-term plan which will be affected over the upcoming one (1)-year

term of the permit. But, in no instance shall the operator affect any area outside of the area included in the current approved permit;

(E) Two (2) different maps sufficient for the following purposes:

1. One (1) map sufficient to locate and distinguish the mining site from other mine sites in the general area of the county;

2. One (1) map of sufficient scale and detail to illustrate the following:

A. The names of any persons or businesses having any surface or subsurface interest in the lands to be mined, including owners or leaseholders of the land and utilities;

B. The boundaries and the acreage of each site, if proposing multiple sites, of all areas proposed to be affected over the permit term;

C. The approximate location of public roads located in or within one hundred feet (100') of the proposed permit area;

D. The date that the map was prepared, a north arrow and section, township and range lines;

E. The name of the creek or stream being mined, if an in-stream operation is proposed;

F. This map must be prepared on an original or clearly copied United States Geological Survey (USGS) seven and one-half (7 1/2) minute topographical map, county assessor map, Agricultural Stabilization Conservation Service (ASCS) aerial photos or up-to-date county ownership plats or on a map of equal or better quality; and

G. The locations of terraces, waterways, diversions and post-mining land use designations shall be identified on the permit map.

3. Both maps and all copies submitted must be clearly legible and must contain the company name, mine or site name, date of last map edit, scale indication (such as a scale bar or numerical ratio) and a symbol definition key for any special symbols used; and

4. If the applicant requests a permit for a portion of the area described in a long-term operation and reclamation plan, the applicant shall indicate the boundary of the proposed permit area and the boundary of the area proposed to be disturbed over the life of the mine on the map required by paragraph (2)(E)2. of this rule;

(F) All required fees based upon the type of operation and amount of production as follows:

1. For gravel operations producing less than five thousand (5000) tons annually, an annual permit fee of one hundred dollars (\$100) plus an acreage fee of thirty-five dollars (\$35) per whole or fractional acre permitted; and

2. For all other operations (including gravel over five thousand (5000) tons annually), the applicant shall pay an annual

permit fee of three hundred fifty dollars (\$350) plus an acreage fee of thirty-five dollars (\$35) per whole or fractional acre permitted plus an annual site fee of forty dollars (\$40) per site to be operated during the succeeding twelve (12) months;

(G) The required bond, as specified in section 444.778, RSMo and described in 10 CSR 40-10.030; and

(H) Proof that a public notice has been published in any newspaper with a general circulation in the counties where the land is located. The applicant shall advertise a public notice in accordance with this subsection each time the applicant files a permit application for a new mine, files a request for expansion to an existing mine, when making revisions to the original operation and reclamation plan and when transferring the permit to a new operator, as defined in sections (5)—(7) of this rule. Public notices shall not be required for renewing existing permits or to permit additional acreage within a currently approved long-term operation and reclamation plan, as defined in paragraph (2)(D)6, of this rule. The notice must contain the following:

1. A statement of intent to conduct surface mining specifying the mineral and estimated period of operation;

2. The name and address of the operator;

3. A legal description of affected land consisting of county, section, township and range;

4. The number of acres involved;

5. A statement informing the public that comments will be accepted by the director of the Land Reclamation Commission for fifteen (15) days following the publication of the public notice; and

6. The address of the director of the Land Reclamation Commission.

(3) As required by section 444.772, RSMo, any mining permit covering affected land that has not been totally reclaimed and released from liability prior to permit expiration must be re-permitted each year until reclamation is complete and liability is released. To re-permit, the operator shall file a complete permit application and pay the appropriate fees, as outlined in section 444.772, RSMo and as outlined by these rules.

(4) If an operation will not expand beyond its originally permitted area during the next permit year and the method of operation and reclamation has not changed, a request for renewal, rather than a complete new application, shall be filed on a form approved by the commission.

(5) When the operator desires to add additional acreage to his/her permit or to substantially revise the methods of operation or reclamation reflected in the original application, an amended application shall be filed. The application shall comply with all the items as prescribed in section (2) of this rule.

(6) When one (1) operator succeeds another operator, the second operator must file a complete application which complies with all the items prescribed in section (2) of this rule.

(7) If at any time during the permit term an operator wishes to revise the methods described in an approved operation and reclamation plan, the operator may file a revision to the plan. A revision must include:

(A) A complete description of the revision stating, at a minimum, how the revision changes any of the activities described in the original operation and reclamation plan;

(B) Proof that a public notice has been published, as specified in subsection (2)(H) of this rule; and

(C) A revised map required under paragraph (2)(E)2. of this rule to eliminate inaccuracies in the original map.

*Auth: sections 444.767, RSMo (Cum. Supp. 1993), 444.772, RSMo (Cum. Supp. 1992) and 444.784, RSMo (Cum. Supp. 1990). * Original rule filed Aug. 2, 1991, effective Feb. 6, 1992. Amended: Filed June 1, 1994, effective Nov. 30, 1994.*

**Original authority: 444.767, RSMo (1971), amended 1990, 1993; 444.772, RSMo (1971), amended 1984, 1990, 1992; and 444.784, RSMo (1971), amended 1990.*



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
APPLICATION FOR SUBSTITUTION

P.O. BOX 176
JEFFERSON CITY, MISSOURI 65102
314-751-4041

DATE

NAME OF CORPORATION, COMPANY, PARTNERSHIP, OR INDIVIDUAL
TELEPHONE NUMBER
ADDRESS CITY STATE ZIP CODE

I. Legal Description of Sites

A. Substitute Area

| COUNTY | SECTION | TOWNSHIP | RANGE | ACREAGE |
|--------|---------|----------|-------|---------|
| | | | | |
| | | | | |

B. Permit Area (To Be Left Unreclaimed)

| COUNTY | SECTION | TOWNSHIP | RANGE | ACREAGE |
|--------|---------|----------|-------|---------|
| | | | | |
| | | | | |

II. Names, addresses and phone numbers of landowner and all persons with any interest in the land where substitution is to apply.

III. Reclamation Plan of substitute area (attach additional pages if needed)

A. Reasons for substituting the site.

- _____
- _____
- _____
- _____

B. If material from an active mining site is to be used, please indicate. Yes No

C. The procedures or operations to be used in completing the reclamation work.



D. Type of reclamation to be performed and planting or seeding dates.

E. Final use of land when reclamation is completed and acreage of each category of land use (water reservoir, pasture, recreation or industrial area, etc.).

F. Approximate date reclamation work is to commence and estimated date of completion.

IV. ELIGIBILITY. The operator must verify that the land to be used as substitution is eligible by submitting maps, aerial photos, or other means acceptable to the Land Reclamation Commission with this application.

V. A map or aerial photo for each area described in Section I.A & B of this application must be submitted and conform to the following criteria:

A. Scale must be indicated and be between 1" = 100' to 1" = 660'

B. Indicate the following:

1. Company name,
2. County, section, township, range
3. Commodity involved,
4. North direction,
5. Date prepared,
6. Size and location of the permit area, the substitution area, and the lease area, and
7. Major roads and haul roads.

C. Designate the source of overburden to be used on the substitute area. For example:

1. Overburden from the permit area; or
2. Overburden present at the site of substitution.

I hereby certify that the proposed substitution request will violate no lease agreements for the substitute site or active mining areas, and that the enclosed information is accurate to the best of my knowledge.

| | | |
|--------|-------|------|
| SIGNED | TITLE | DATE |
|--------|-------|------|

| | |
|---|------|
| APPROVED BY THE LAND RECLAMATION COMMISSION ON | DATE |
|---|------|

MO 780-0948 (7-87)



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION

PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES

P.O. BOX 176
JEFFERSON CITY, MO 65102

For obtaining a permit for the first time, or for expansion or revision of a permitted mine's operations or reclamation plan.

| | | | |
|---|------|-------------------------|----------|
| NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL | | DATE | |
| ADDRESS | CITY | STATE | ZIP CODE |
| CONTACT PERSON | | TELEPHONE NUMBER () | |

Check any that apply:
 New Permit Permit Renewal Permit Revision Permit Expansion Permit Number (Leave blank if new application):

| SITE NAME OR NUMBER | ACRES TO BE PERMITTED | | TOTAL ACRES FOR ALL SITES |
|---------------------|-----------------------|-----------|---------------------------|
| | INSTREAM | ALL OTHER | |
| | | | |

| | |
|---|--|
| Fees - Complete A or B A - For sand and gravel operators mining less than 5,000 tons/year Permit Fee \$100.00 Number of new acres _____ X \$35.00/acre \$ _____ B - For ALL other operations Permit Fee \$350.00 Number of sites _____ X \$40.00/acre \$ _____ Number of new acres _____ X \$35.00/acre \$ _____ Total fees \$ _____ | Bonding for all acreage EXCEPT instream - Complete A or B A - For sand and gravel operators mining less than 5,000 tons/year Number of new acres _____ X \$500.00/acre ... \$ _____ B - For ALL other open pit operations Minimum per permit \$ 8,000.00 Acreage over 8 acres _____ X \$500.00/acre \$ _____ Number of new acres where topsoil will be sold or discarded _____ X \$4,500.00/acre \$ _____ Total bonding required \$ _____ <input type="checkbox"/> Check here if adequate bonding is already posted. |
|---|--|

List all other Land Reclamation Commission permits previously or currently held by applicant or by companies owned or partially controlled by applicant. If none, write "none" below.

| NAME OF COMPANY | PERMIT NUMBER | MINERAL COMMODITY | YEARS |
|-----------------|---------------|-------------------|-------|
| | | | |

For any of the above which have been served Cessation of Operations or Bond Forfeiture, or have unabated Notices of Violation, please give:

| PERMIT NUMBER | TYPE OF ACTION |
|---------------|----------------|
| | |

I certify that all statements made on this application are correct, complete, and true, to the best of my knowledge.

| | | |
|------------------------|-------|------|
| SIGNATURE OF APPLICANT | TITLE | DATE |
|------------------------|-------|------|

Appeared before me this _____ day of _____, 19____, _____ to me personally known, who executed the above as their free acts and deeds.

| | | |
|------------------------------|---|-------------------------------|
| NOTARY PUBLIC EMBOSSEER SEAL | STATE | COUNTY (OR CITY OF ST. LOUIS) |
| | SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19____ | |
| | NOTARY PUBLIC SIGNATURE | MY COMMISSION EXPIRES |
| | NOTARY PUBLIC NAME (TYPED OR PRINTED) | |

USE RUBBER STAMP IN CLEAR AREA BELOW

| | | | |
|---|---------------|---------------|-----------------|
| APPROVED BY (DIRECTOR'S REPRESENTATIVE) | DATE APPROVED | PERMIT NUMBER | EXPIRATION DATE |
|---|---------------|---------------|-----------------|

MO 780-1007 (12-91) ATTACH SITE INFORMATION FORM(S), MINE PLAN FORM(S), PROOF OF PUBLIC NOTICE, AND CONSENT OF ENTRY FORM (IF NEEDED)