

PERMIT PROFILE: MINED LAND RECLAMATION

TECHNICAL PROGRAM: Division of Mineral Resources

STATUTORY AUTHORITY: ECL Article 23, Title 27

APPLICABLE REGULATIONS: 6NYCRR Parts 420 through 426

LEGISLATIVE INTENT:

To ensure a dependable and economical source of mineral resources and to ensure that all lands affected by mining are reclaimed and restored to productive use.

REGULATED ACTIVITIES:

- ! Mining more than one thousand tons or seven hundred fifty cubic yards, whichever is less, of minerals from the earth in twelve consecutive months.
- ! Mining over one hundred cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of article fifteen of this chapter or to the Public Lands law.

EXEMPT ACTIVITIES:

- ! Activities of the Office of General Services with respect to lands underwater.
- ! Mining activities that fall below the tonnage or cubic yard criteria.
- ! The excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

MINOR PROJECTS:

- ! Less than five acres, less than 20 feet deep, no on-site processing (crushing, screening, etc.), no mining within 100 feet of any surface water, no mining of consolidated minerals, no mining within 500 feet of any dwelling and no mining below the water table.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! Financial security for reclamation.
- ! Mined land-use plan that includes a reclamation plan.

PUBLIC NOTICE REQUIREMENTS:

- ! Environmental Notice Bulletin and newspaper of general circulation for all major projects.

STANDARDS FOR ISSUANCE:

- ! Mined land-use plan and reclamation plan (details in 6NYCRR Part 422). (A draft environmental impact statement may suffice for a mined land-use plan if acceptable to the department.)

REFERENCE MATERIALS/SOURCES OF INFORMATION:

- ! Mined Land Reclamation Program, Applicants' Guide
- ! Mined Land Reclamation Program Update 11/10/91

SPECIAL PROCEDURES AND EXCEPTIONS:

- ! Each application must include a statement that mining is not prohibited by local law or ordinance in the area proposed to be mined.
- ! A complete copy of all applications for new mining projects must be sent to the chief administrative officer of the affected locality. The transmittal must note whether the project is major or minor.
- ! The chief administrative officer has thirty days to make a determination and notify the department and the applicant regarding: setbacks from property boundaries or public thoroughfare rights-of-way, constructed or natural barriers designed to restrict access, the control of dust, hours of operation, and whether mining is prohibited at that location.

REGULATORY FEES:

- ! Environmental regulatory fees are billed annually, by the Department, based on the area to be mined.