

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

Surface Mining Unit
4244 International Parkway
Suite 104
Atlanta, Georgia 30354
404/362-2696

FOR DEPARTMENT USE ONLY
Plan Number:
County:
Operation:
Acreage:

APPLICATION FOR SURFACE MINING PERMIT

Instructions: An application for a permit must include the Mining Operator's Mining Land Use Plan and must be factual and complete. The Application and Mining Land Use Plan (original and two [2] copies) must be submitted to the address shown above.

Pursuant to the requirements of the Georgia Surface Mining Act, O.C.G.A. § 12-4-70, et seq., and the Rules of the Georgia Department of Natural Resources, Chapter 391-3-3, Surface Mining, both as amended, the undersigned hereby:

1. applies for a permit to conduct a surface mining operation as represented in the attached Mining Land Use Plan;
2. specifically grants to the Environmental Protection Division or any authorized representative of the Director the right of entry and travel upon affected lands;
3. certifies that the Mining Operator is the rightful owner and/or the Mining Operator holds a valid lease on or option to purchase or lease said lands which, at a minimum, extends two (2) years beyond the final reclamation date shown in the Mining Land Use Plan; and,
4. certifies that the information provided in or submitted by the Mining Operator as a part of this Application and Mining Land Use Plan is true and correct, and as the Mining Operator agrees to comply with provisions of this Mining Land Use Plan, provisions of the Act and Rules, and conditions of permitting.

Affix Notary or
Corporate Seal

Attested by Notary
or Corporate Secretary

Signature	Date	

Name	(Type or Print)	

Title		

Company		

Address		

City	State	Zip

Telephone		

The approval of this Application and Mining Land Use Plan does not relieve the Mining Operator of any obligation or responsibility for complying with the provisions of any other laws or regulations of any local, federal or state authority.

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Plan Recommendation: Approval/Disapproval

Reviewer	Date
_____	_____
Bond Requirements:	
Number Acres	_____
Bond Amount/Acre	_____
Total Bond	_____
Date of Bond Notice	_____
Date Bond Received	_____
Bond Approved by	_____
Date Permit Issued	_____

PLAN: APPROVAL/DISAPPROVAL

Program Manager

Date

ENVIRONMENTAL PROTECTION DIVISION
SURFACE MINING LAND USE PLAN

NOTE: Any corrections, changes of information or other alterations of content of this Plan and attachment must be initialed and dated by the Operator and the Division.

I. OPERATOR AND GENERAL INFORMATION

1. DESCRIPTION OF MINING OPERATOR'S COMPANY (hereinafter "Operator")

Name of Company: _____

Address: _____

Telephone: _____

Type of Business: () Corporation () Partnership () Proprietorship
() Other

Corporate Officials/Partnership Members: _____

Onsite Manager/Representative: _____

Title: _____ Telephone: _____

Mine Name _____

Mine Address _____

Environmental Contact _____ Title _____

Address _____ Telephone _____

2. LAND OWNERSHIP

Number of Acres

Owner/Address _____ owned/leased _____ affected _____

Owner/Address _____ owned/leased _____ affected _____

Owner/Address _____ owned/leased _____ affected _____

Total acres to be Affected by Operator under this plan: _____

If additional space is needed, please attach sheet.

3. GENERAL SITE LOCATION

LATITUDE: _____ LONGITUDE: _____

4. MINERAL OR MATERIAL TO BE MINED AND METHOD OF MINING

Mineral/Material: _____

Method of Mining: _____

5. CLASSIFICATION OF LANDS IN VICINITY OF MINE SITE

6. SCHEDULE FOR MINING AND RECLAMATION

Anticipated Date to Begin: _____
(Month/Year)

Anticipated Date to Complete: _____
(Month/Year)

Anticipated Date of Final Reclamation _____
(Month/Year)

If mining is completed prior to the above stated date, the Operator shall complete the reclamation in accordance with this Plan within 24 months of completion of mining.

7. INFORMATION ON OTHER PERMITS

A. List any Georgia Surface Mining Permits suspended, revoked, or for which bond was forfeited:

B. List other environmental permits being applied for in relation to this operation:

C. List other local permits being applied for in relation to this operation:

II. PERFORMANCE CRITERIA FOR MINING PLAN AND MINING ACTIVITIES

- 1. Plan Drawings shall show but are not limited to the metes and bounds of the property to be mined, the limits of the affected acreage, the natural drainage features and water disposal, the initial mining and overburden (spoil)area(s), the erosion and sedimentation controls, the ingress/egress area(s), the direction and schedule of mining advancement, the area to be left undisturbed (buffer) where necessary, and the plan that shows projected final reclamation of the site.
- 2. The Operator will implement site survey control to ensure that all acres affected by the mining operation will be on permitted lands. Survey control will be accomplished through the use of permanent accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted acreage. Survey control shall be as indicated on the boundary survey, drawings, maps, etc. included as part of this Plan. Where necessary for construction or operation proposes, vertical as well as horizontal survey control will be established and maintained.

<u>MEANS</u>	<u>Identifier/Location</u>
Property Boundary Markers	_____
Affected Acreage Markers	_____
Dredge Limits	_____
Clearing Limits	_____
Other: _____	_____
Permanent Survey Control Markers	
Horizontal: (Identifier & Location)	_____
Vertical: (Identifier & Location)	_____
Known Elevation:	_____
Assumed Elevation:	_____

- 3. The Operator will ensure that all measures and facilities for control of erosion and sedimentation during site preparation, operation, and/or reclamation activities shall adhere to the following:
 - A. Erosion and sedimentation control measures and facilities will be employed prior to or concurrent with clearing, grading, overburden removal, access or other land disturbing activities for preparation or operation of the site for mining. Provisions will be made for treatment or control of any source of sediments.
 - B. All erosion and sedimentation control measures or facilities, whether temporary or permanent, shall be continuously maintained by the Operator, so as to be effective.
 - C. Sediment in surface runoff water shall be trapped by use of debris basins, sediment basins, silt traps, sediment barriers or similar structures.
 - D. Permanent vegetation shall be installed as soon as possible. Temporary vegetation and/or mulch shall be employed where necessary to protect exposed critical areas until permanent vegetation or stabilization is attained.
 - E. Natural vegetation shall be retained, protected and supplemented wherever feasible to provide for natural buffer areas.

F. Diversions, dikes, and berms shall be employed to retain, direct and control surface water runoff from affected areas into sediment control structures.

G. All surface water discharges shall be controlled and released at a nonerosive velocity onto stabilized areas or into stabilized channels.

NOTE: The Operator may attain conformance through the use of design criteria in the "Manual for Erosion and Sedimentation Control in Georgia", published by the State Soil and Water Conservation Commission as a guide or through the use of alternate design criteria which conform to sound conservation and engineering practices.

4. All permanent landform changes including, but not limited to, berms, drainage structures, surface water channel modifications, etc. shall be constructed in a manner to protect against failure, subsidence and/or erosion and will be permanently stabilized upon completion of construction.

5. Whenever a mining site lies contiguous to any waters of the State or whenever, in the judgement of the Division, proposed mining at such site will adversely affect any portion of a watershed of the State, the Operator will follow sound engineering and conservation measures to provide protective barriers, such as dams, berms, silt ponds, or other similar structures, between the land to be affected and waters or watersheds involved. All such structures are to be approved by the Division as a part of this Plan and are to be substantial for the protection of contiguous natural resources of the State. All structures referred to above are to be constructed a reasonable distance from waters of the State, or that portion of a watershed of the State that may be adversely affected, as determined by the Division. Surface mining, if conducted within the 100 year floodplain, shall be done in accordance with any applicable local floodplain management ordinance, if any. Where a local floodplain management ordinance does not exist, the Operator shall ensure that the mining activities are conducted so as to minimize flooding, erosion and/or sedimentation on adjacent upstream or downstream properties.

6. Before natural creeks, streams, rivers, lakes, or other bodies of water may be altered in course or relocated by the Operator, the plan for such alteration or relocation must be approved by the Division as a part of this Plan.

7. The Operator shall obtain required storm water permits and maintain compliance with the Water Quality Control Rules, Chapter 391-3-6-.16 (Storm Water Permit Requirements).

8. Where properties on the National Register of Historic Places are located within one mile of any portion of the proposed mining operation, the Operator shall provide, as an attachment to this Plan, documentation which demonstrates the following have been adequately considered:

A. alternatives or measures to avoid or reduce effects on the historic properties;

- B. determinations of effects on alteration to features of the property's location, setting, or use;
- C. determinations of adverse effects which may diminish the integrity of the property's location, design, setting, materials, workmanship, or other structural detail.

Adverse effects on historic properties include, but are not limited to:

- A. physical destruction, damage, or alteration of all or part of the property;
- B. isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;
- C. introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.

Adverse effects from the introduction of atmospheric elements shall be defined as repetitive non-conformance with the National Ambient Air Quality Standards (NAAQS) regarding fugitive dust particles of 10 microns and smaller which may leave the subject property as set forth by the Environmental Protection Agency.

Adverse effects from the introduction of audible elements shall be defined as repetitive noncompliance with the Georgia Blasting Standards Act (State of Georgia House Bill 824) regarding atmospheric overpressure limits as governed by the Department of the Fire Marshal for the State of Georgia. Avoidance of adverse effects by the introduction of visual elements shall be accomplished wherever practical by maintaining visual barriers, either by undisturbed buffer areas or manmade structures such as berms, as outlined in the approved Mining Land Use Plan.

It is incumbent upon the Operator to provide satisfactory evidence to the Director that alternatives have been considered and this plan contains appropriate measures to provide for minimizing and/or mitigating any adverse effects. If after the mining operation begins adverse effects become evident, the Director will give the Operator written notice of the occurrence of such adverse effects. The Operator will then have sixty (60) days to mitigate the adverse effects. If during the sixty day period no successful action is taken by the Operator to mitigate the adverse effects, the Operator upon notice from the Director will cease operations. The Operator will then provide to the Director within ten (10) days an assessment of the effects and a plan to mitigate the impact. Upon approval by the Director, the Operator may be allowed to resume mining operations.

- 9. The Operator shall post an identification sign which shall display the Operator's Name, Mine Name, and Permit Number at the entrance of the property.
- 10. In the event the Operator ceases active mining, all exposed critical disturbed areas will be stabilized and all measures employed for erosion and sedimentation control will be maintained by the Operator. Should extraction of mineral or material cease prior to completion of the mining Plan, the Operator shall complete the reclamation as provided for in this Plan within twenty-four (24)

months from date of cessation or shall request an "Inactive Status" as provided for in the Permit for this surface mining operation.

III. PERFORMANCE CRITERIA FOR RECLAMATION

1. All applicable parts of Section II, 3. Erosion and Sedimentation Control apply including the following:
 - A. Reclamation shall be concurrent with mining activity as lands become available.
 - B. Reclamation objectives as shown on Surface Mining Land Use Plan will be achieved unless Operator submits an amendment.
 - C. Following the removal or disposal of all structures, equipment, stockpiles, mining refuse, and all other materials associated with surface mining, the Operator will reclaim all affected land in accordance with the provisions of this Plan. All lands except those specifically exempted in this Plan will have a neat, clean appearance and contain a high quality permanent vegetative cover.
 - D. Vegetative Stabilization (planting) Requirement: The Operator will provide a high quality, enduring vegetative ground cover of properly planted and nurtured perennial vegetative species suited for the specific planting zone involved. The perennial vegetative species shall provide a complete, thorough stabilization by providing root mass and cover for the total disturbed area. If forest land is the reclamation objective, a vegetative ground cover will also be provided prior to or concurrent with tree seeding or the planting of tree seedlings.
 - E. Structural Stabilization: Permanent structural control measures, i.e. stone riprap, ditches, berms, paved chutes, or piped down drains, etc, shall be utilized to convey concentrated storm flows down slopes to stable outlets. These measures are necessary in areas where concentrated stormflow velocities may cause erosion.
2. Specific requirements the Operator will adhere to:
 - A. The Operator shall grade all peaks, ridges, and valleys resulting from surface mining and backfill all pits and trenches resulting from same in a manner to minimize any hazardous effects of mining adjacent to any State or county maintained public road.
 - B. All affected lands requiring backfilling as stated in the Reclamation Objective of this Plan shall be backfilled utilizing overburden, spoil material, and/or borrow from affected (permitted) land unless approval from the Division is obtained to utilize other materials. Sound engineering principles shall be applied to ensure that affected lands, as reclaimed, meet the intended use.
 - C. Immediate erosion control measures shall be applied to protect the topsoil cover until an adequate vegetative cover is established.
 - D. All highwalls occurring in unconsolidated materials shall be reduced by

grading to blend in with the existing original site topography. Highwalls occurring in consolidated material shall be reduced as much as may be practicable. A constructed bench with reverse slope to the wall shall be provided at the top of highwalls which are to remain. Any remaining highwalls of fifty (50) feet or greater shall be fenced or bermed at the top beyond the initial bench. Such fencing or berm shall be sufficient to provide an adequate degree of protection or warning to foot traffic.

- E. All affected land, unless otherwise specified in this Plan, shall be graded into a rolling topography and blended in with the existing landscape. All graded areas shall be free of debris, stockpiled materials, boulders, etc. that would interfere with the intended use and/or maintenance of the area.
- F. Constructed slopes shall not exceed three horizontal to one vertical (3:1) except where may be approved otherwise in this Plan. Fill and cut slopes shall be designed and constructed to prohibit slumping or shear failures. Prior to final grading, all slopes will be blended in with the original existing topography. Slope grades shall be uniform. Mechanical or vegetative or both stabilization measures shall be employed as soon as practical to prevent erosion.
- G. Overburden, spoil or refuse, when used as backfill material, for berm or other construction, shall be segregated as necessary, emplaced and compacted in accordance with sound engineering practices to provide for the purpose intended. Refuse does not include any material which may be classified as solid waste under provisions of the Georgia Comprehensive Solid Waste Management Act.

All new landform structures created with the use of overburden (spoil) or refuse materials shall be constructed in a manner to protect against failure, subsidence and/or erosion and will be permanently stabilized upon completion of construction.

- H. When lakes/ponds are proposed, the minimum acceptable design criteria shall meet or exceed that criteria in: Agriculture Handbook Number 590, Ponds - Planning, Design, Construction published by the United States Department of Agriculture, Soil Conservation Service, latest issue. When the dam structure proposed is 35 feet or higher, other acceptable design criteria shall be used.

Water shall be of a quality suitable for the intended use. The lake/pond shall have a safe access and be free of underwater hazards. All above water portions of the lake/pond site development shall be revegetated with an enduring permanent vegetative cover.

Under provisions of the Georgia Safe Dams Act, no permit shall be required to be obtained by the Operator if a dam is constructed with or incidental to "surface mining" as defined in the Georgia Surface Mining Act. If the dam so constructed is classified by the Director as a Category I dam the Operator shall, upon the completion of the mining activity in connection with which such dam was constructed, either drain and reclaim the impoundment formed by such dam or stabilize such impoundment as a lake. If the impoundment is reclaimed as a lake and the dam which created the impoundment remains in place as a Category I dam, then, before such lake is deemed acceptable reclamation and the Operator is released from his obligations under the Georgia Surface Mining Act, as amended, the Operator will obtain a permit for such dam under the Safe Dams Act.

- I. Any proposal for the construction of wetlands as a reclamation objective shall be consistent with accepted practices utilizing the best available technology (BAT) and include the best management practices (BMP's) to

attain the desired result. The proposal shall be attached to and be a part of this Plan subject to approval by the Division.

- J. The Operator shall file a Final Reclamation Report and Request for Release upon completion of reclamation responsibilities on affected acreage. A report may be filed on reclamation activities which partially completes the Operator's full responsibilities for total acreage affected. Said report and request shall be on forms as provided by the Division.

IV. ADDITIONAL OPERATOR SUBMISSIONS

1. BONDING

Upon approval by the Director of this Plan and/or any amendment to this Plan, the Operator shall, unless having been exempted by the Director, file the appropriate bond with the Director within sixty (60) days after the date of being furnished the approved forms. Bonding shall be in the form of a surety bond, government securities, letter of credit, cash or a combination thereof. **Any bond filed with the director shall be written by a surety authorized to do business in Georgia.**

If the Operator files a letter of credit in lieu of a surety bond pursuant to O.C.G.A. § 7-1-290(d) and the Director accepts same, the Operator shall be obligated to maintain such letter of credit in force and effect at all times until reclamation of lands affected under this Plan, as it now exists or is hereafter amended, shall have been completed or the full amount of such letter of credit shall be subject to forfeiture. But if the issuer of such letter of credit shall, by certified mail, serve notice of its intent to terminate or not to extend such letter of credit, Operator shall file a bond authorized by O.C.G.A. § 12-4-75(c) or another acceptable letter of credit as a substitute for the expiring letter of credit with the Division within sixty (60) days after receipt of such notice by the Division. Upon Operator's failure to do so, Operator shall be in default of this Plan and such default shall constitute authority for the Division to draw upon such letter of credit.

If the Operator is granted an exemption from bonding and subsequently violates any of the provisions of O.C.G.A. § 12-4-70, et seq., or the Rules and Regulations for Surface Mining, Chapter 391-3-3, both as amended, or this Plan or Approved Amendments, the Operator is subject to civil penalties and may be required by the Director to post a bond.

The Director shall review and reevaluate, at least every five years, the site operation, objective of this Plan, and estimated cost factors for completion of this Plan and shall require adjustments to bonding amounts as may be necessary to ensure adequate funding for site reclamation.

2. ANNUAL PERMIT STATUS REPORT

An Annual Permit Status Report shall be submitted by the Operator on forms provided by the Division. This report will be due on or before April 1 of each year, covering the prior calendar (Jan.- Dec.) year.

3. AMENDMENTS TO PLAN

The Operator shall submit any proposed changes in this Plan to the Division for approval as an amendment to this Plan prior to changing or varying from this Plan. Request for Amendment shall be submitted on forms provided by the Director and the amended plans will be complete in all details necessary to show the new plan of action and all lands to be affected and reclaimed. Any surface mining activity approved under amendment shall be contingent upon receipt of appropriate

bonding as may be necessary.

4. CHANGE OF OWNERSHIP OF MINING OPERATION

Should a change in Operator ownership of this mining operation occur, the new owner(s) may continue such operation on condition that a new application, Mining Land Use Plan with updated maps/aerial photo, which include currently affected areas, and a new bond sufficient as to form and content for final approval are placed on file with the Director within sixty (60) days from date of consummation of the ownership change.

In the event the new owner(s) fail to place on file with the Director the necessary documents for permitting within said sixty (60) day period, all mining activities for this operation shall cease.

This Plan constitutes an agreement between the Operator and the Environmental Protection Division as a means to ascertain compliance in accordance with the provisions of the Georgia Surface Mining Act.

Upon approval, the Operator is responsible for completion of this Plan [Ref: Code § 12-4-75(2)].

The permit is conditioned upon the Operator's compliance with this Plan. [Ref: Code § 12-4-75(1).]

Mining by the Operator on an unpermitted site constitutes prima facie evidence of violation of this Plan. (Ref: Code § 12-4-77.)

V. **LIST ATTACHMENTS**

(NOTE: The Operator will list all enclosures and attachments by title and page count submitted with this Application and Mining Land Use Plan.)