

Kansas Administrative Regulations

Mined-Land Conservation and Reclamation (KDHE)

Article 10.—Underground Mining

47-10-1. Adoption by reference; underground mining.

(a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Underground mining permit applications—minimum requirements for information on environmental resources, 30 C.F.R. Part 783:

- (A) Responsibilities, 30 C.F.R. 783.4;
- (B) general requirements, 30 C.F.R. 783.11;
- (C) general environmental resources information, 30 C.F.R. 783.12;
- (D) climatological information, 30 C.F.R. 783.18;
- (E) vegetation information, 30 C.F.R. 783.19;
- (F) soil resources information, 30 C.F.R. 783.21;
- (G) maps: general requirements, 30 C.F.R. 783.24; and
- (H) cross sections, maps, and plans, 30 C.F.R. 783.25;

(2) underground mining permit applications—minimum requirements for reclamation and operation plan, 30 C.F.R. Part 784:

- (A) Responsibilities, 30 C.F.R. 784.4;
- (B) operation plan: general requirements, 30 C.F.R. 784.11;
- (C) operation plan: existing structures, 30 C.F.R. 784.12;
- (D) reclamation plan: general requirements, 30 C.F.R. 784.13;
- (E) hydrologic information, 30 C.F.R. 784.14;
- (F) reclamation plan: land use information, 30 C.F.R. 784.15;
- (G) reclamation plan: siltation structures, impoundments, and refuse piles, 30 C.F.R. 784.16;
- (H) protection of publicly owned parks and historic places, 30 C.F.R. 784.17;
- (I) relocation or use of public roads, 30 C.F.R. 784.18;
- (J) disposal of excess spoil, 30 C.F.R. 784.19;

(K) subsidence control plan, 30 C.F.R. 784.20, deleting the phrase "as described in §817.121(c)(4) of this chapter";

(L) fish and wildlife information, 30 C.F.R. 784.21;

(M) geologic information, 30 C.F.R. 784.22;

(N) operation plan: maps and plans, 30 C.F.R. 784.23;

(O) road systems, 30 C.F.R. 784.24;

(P) return of coal processing waste to abandoned underground workings, 30 C.F.R. 784.25;

(Q) air pollution control plan, 30 C.F.R. 784.26;

(R) surface activities in or adjacent to perennial or intermittent streams, 30 C.F.R. 784.28;

(S) diversions, 30 C.F.R. 784.29;

(T) support facilities, 30 C.F.R. 784.30; and

(U) interpretive rules related to general performance standards, 30 C.F.R. 784.200, except that "office of surface mining reclamation and enforcement" shall be replaced by "Kansas department of health and environment."

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) "Paragraphs (b)(2) through (b)(4) of §817.57 of this chapter," "paragraphs (b) and (c) of §817.57 of this chapter," "§817.57(a)(1) of this chapter," "§817.57(a)(2) of this chapter," and "§817.57(a)(2) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(14)."

(B) "Subchapter B (Interim Program Standards) of this chapter" shall be replaced by "K.A.R. 47-9-4."

(C) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(D) "Subchapter K of this chapter" and "subchapter K (Permanent Program Standards) of this chapter" shall be replaced by "K.A.R. 47-9-1."

(E) "This chapter," "this section," "subchapter," "subchapter G of this chapter," and "this part" shall be replaced by "these regulations."

(F) "This title" shall be replaced by "the 30 CFR."

(2)(A) "Part 784 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)."

(B) "Part 817 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)."

(C) "Sections 515 and 516 of the Act" shall be replaced by "K.S.A. 49-405a, 49-408 through 49-413, and 49-429."

(3)(A) "30 CFR Parts 773 and 775" shall be replaced by "K.A.R. 47-3-42(a)(2) through (20), K.A.R. 47-6-6, K.S.A. 49-407(d), K.S.A. 49-416a, and K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations."

(B) "30 CFR 783.24 and 783.25" shall be replaced by "K.A.R. 47-10-1(a)(1)(G) and (H)."

(C) "30 CFR 784.13 through 784.26" shall be replaced by "K.A.R. 47-10-1(a)(2)(D) through (Q)."

(D) "30 CFR 784.16 of this part" shall be replaced by "K.A.R. 47-10-1(a)(2)(G)."

(E) "30 CFR 784.19 of this part" shall be replaced by "K.A.R. 47-10-1(a)(2)(J)."

(F) "30 CFR 784.21" shall be replaced by "K.A.R. 47-10-1(a)(2)(L)."

(G) "30 CFR 817.13-817.15" shall be replaced by "K.A.R. 47-9-1(d)(2) and (4)."

(H) "30 CFR 817.22," "§817.22 of the chapter," and "§817.22(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(5)."

(I) "30 CFR 817.59" and "§817.59 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(15)."

(J) "30 CFR 817.81(f)" shall be replaced by "K.A.R. 47-9-1(d)(24)."

(K) "30 CFR 817.89 and 817.102" shall be replaced by "K.A.R. 47-9-1(d)(28) and (33)."

(L) "30 CFR 817.95" shall be replaced by "K.A.R. 47-9-1(d)(29)."

(M) "30 CFR 817.102 through 817.107" shall be replaced by "K.A.R. 47-9-1(d)(33) and (34)."

(N) "30 CFR 817.111 through 817.116" shall be replaced by "K.A.R. 47-9-1(d)(35) through (38)."

(O) "30 CFR 817.116" shall be replaced by "K.A.R. 47-9-1(d)(38)."

(4)(A) "§701.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(b)."

(B) "§761.14 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(4)."

- (C) "§761.16 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(6)."
- (D) "§761.17(d) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(7)."
- (E) "§774.13" shall be replaced by "K.A.R. 47-6-2."
- (F) "§783.25 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(1)(H)."
- (G) "§784.15" and "§784.15(a)(2)" shall be replaced by "K.A.R. 47-10-1(a)(2)(F)."
- (H) "§784.20" shall be replaced by "K.A.R. 47-10-1(a)(2)(K)."
- (I) "§784.29 of this part and §817.43 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(S) and K.A.R. 47-9-1(d)(8)."
- (J) "§785.21 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(64)."
- (K) "§817.43 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(8)."
- (L) "§817.46 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(10)."
- (M) "§817.49 of this chapter," "paragraphs (a) and (c) of §817.49 of this chapter," and "§817.49(a)(4)(ii) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(12)."
- (N) "§817.71(d) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(22)."
- (O) "§817.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(23)."
- (P) "§817.97 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(30)."
- (Q) "§817.121(c) of this chapter" and "§817.121 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(39)."
- (R) "§817.133," "30 CFR 817.133," and "§817.133(a)" shall be replaced by "K.A.R. 47-9-1(d)(43)."
- (S) "§817.150(d)(1) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(44)."
- (T) "§817.151(c)(2) of this chapter," "§817.151(d)(5) of this chapter," "§817.151(d)(6) of this chapter," and "§817.151(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(45)."
- (U) "§817.181 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(47)."
- (V) "§§784.14(g) and 817.41(d)(1) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(E) and K.A.R. 47-9-1(d)(6)."
- (W) "§§784.16(a)(2), 784.16(a)(3), 784.19, 817.73(c), 817.74(c), and 817.81(c) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(G) and (J), and K.A.R. 47-9-1(d)(22), (23), and (24)."

(X) "§§784.21(b) and 817.97(a) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(L) and K.A.R. 47-9-1(d)(30)."

(Y) "§§817.41 to 817.43" shall be replaced by "K.A.R. 47-9-1(d)(6) through (8)."

(Z) "§§817.41(j) and 817.121(c) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(6) and (39)."

(AA) "§§817.71 through 817.74" shall be replaced by "K.A.R. 47-9-1(d)(22) and (23)."

(BB) "§§817.81 and 817.83 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(24) and (25)."

(CC) "§§817.81 and 817.84 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(24) and (26)."

(DD) "§§817.81 through 817.84 of this chapter" and "30 CFR 817.81 through 817.84" shall be replaced by "K.A.R. 47-9-1(d)(24) through (26)."

(Authorized by K.S.A. 49-405; implementing K.S.A. 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

***** Authenticated Kansas Administrative Regulation *****