

Kansas Administrative Regulations

Mined-Land Conservation and Reclamation (KDHE)

Article 6.—Permit Review

47-6-10. Exemption for coal extraction incidental to the extraction of other minerals; adoption by reference.

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

(1) Definitions, 30 C.F.R. 702.5;

(2) application requirements and procedures, 30 C.F.R. 702.11, except that subsection (b) shall be deleted. The text "after April 1, 1990, under a Federal program or on Indian lands, or after the effective date of counterpart provisions in a State program" shall be replaced by "under the state act";

(3) contents of application for exemption, 30 C.F.R. 702.12;

(4) public availability of information, 30 C.F.R. 702.13;

(5) requirements for exemption, 30 C.F.R. 702.14;

(6) conditions of exemption and right of inspection and entry, 30 C.F.R. 702.15.

However, "§702.11(b) or" and "for Federal programs and on Indian lands or in accordance with counterpart provisions when included in State programs" shall be deleted;

(7) stockpiling of minerals, 30 C.F.R. 702.16;

(8) revocation and enforcement, 30 C.F.R. 702.17; and

(9) reporting requirements, 30 C.F.R. 702.18.

(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) "Act" shall be replaced by "state act."

(B) "Secretary" shall be replaced by "secretary of the Kansas department of health and environment."

(C) The following text shall be replaced by "K.A.R. 47-4-14a": "43 CFR 4.1280 when OSM is the regulatory authority or under corresponding State procedures when a State is the regulatory authority" and "43 CFR 4.1280 or under corresponding State procedures."

(D) "The standards of this part for Federal programs and on Indian lands or in accordance with counterpart provisions when included in State programs" shall be replaced by "these regulations."

(2)(A) "§702.5 of this part" shall be replaced by "K.A.R. 47-6-10(a)(2)."

(B) "§702.11(e)(3)" shall be replaced by "K.A.R. 47-6-10(a)(3)."

(C) "§702.12(g)" shall be replaced by "K.A.R. 47-6-10(a)(4)."

(D) "§702.16" shall be replaced by "K.A.R. 47-6-10(a)(8)."

(E) "§702.18 of this part" and "§702.18" shall be replaced by "K.A.R. 47-6-10(a)(10)."
(Authorized by and implementing K.S.A. 49-405; effective Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

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