
Rules of
Department of Natural Resources
Division 40—Land Reclamation Commission
Chapter 6—Permitting Requirements for Surface
and Underground Coal Mining and Reclamation
Operations and Coal Exploration

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Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 40—Land Reclamation Commission

Chapter 6—Permitting Requirements for Surface and Underground Coal Mining and Reclamation Operations and Coal Exploration

10 CSR 40-6.010 General Requirements for Permits, Permit Applications and Coal Exploration

PURPOSE: This rule sets forth requirements for permits, permit applications and coal exploration pursuant to sections 444.810, 444.815, 444.820, 444.835, 444.840 and 444.850, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Responsibilities.

(A) Persons seeking to engage in surface coal mining and reclamation operations and coal exploration must submit an application for and obtain a permit for those operations in accordance with this chapter.

(B) The commission or director will review each application for a permit, approve or disapprove each permit application or exploration application and issue, condition, suspend or revoke exploration approval, permits, renewals or revised permits as required.

(C) All persons engaging in surface coal mining and reclamation operations and coal exploration under this permit shall comply with the terms and conditions of the permit and regulatory program.

(2) Definitions. As used throughout this chapter, except where otherwise indicated—

(A) Applicant means a person who seeks to obtain a permit under this chapter;

(B) Application means the documents and other information filed with the director under this chapter for the issuance of a permit;

(C) Complete application means an application for a permit, which contains all information required under this chapter;

(D) General area means, with respect to hydrology, the topographic and groundwater basin surrounding a mine plan area which is of sufficient size, including areal extent and depth, to include one (1) or more watersheds

containing perennial streams and groundwater zones and to allow assessment of the probable cumulative impacts on the quality and quantity of surface water and groundwater systems in the basins;

(E) Owned or controlled and owns or controls means any one or a combination of the relationships specified in paragraphs (2)(E)1. and 2. of this definition—

1. Being a permittee of a surface coal mining operation, based on instruments of ownership or voting securities, owning of record in excess of fifty percent (50%) of an entity or having any other relationship which gives one (1) person authority directly or indirectly to determine the manner in which an applicant, an operator or other entity conducts surface coal mining operations; and

2. The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption, in fact, does not have the authority, directly or indirectly, to determine the manner in which the relevant surface coal mining operation is conducted:

A. Being an officer or director of an entity;

B. Being the operator of a surface coal mining operation;

C. Having the ability to commit the financial or real property assets or working resources of an entity;

D. Being a general partner in a partnership;

E. Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten percent through fifty percent (10%—50%) of the entity; or

F. Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive the coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation;

(F) Principal shareholder means any person who is the record or beneficial owner of ten percent (10%) or more of any class of voting stock;

(G) Property to be mined means both the surface and mineral estates on and underneath lands which are within the permit area;

(H) Secretary is the Secretary of the Interior; and

(I) Violation notice means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading or other written communication.

(3) Coordination with Requirements Under Other Laws. The director, to avoid duplication, will coordinate the review and issuance of

permits for surface coal mining and reclamation operations with—

(A) Any other federal or state permit process applicable to those operations including, at a minimum, permits required under the following:

1. Clean Water Act (33 U.S.C. Section 1251);

2. Clean Air Act (42 U.S.C. Section 7401); and

3. Resource Conservation and Recovery Act (42 U.S.C. Section 3251);

(B) The requirements of any water quality management plans which have been approved by the administrator of the United States Environmental Protection Agency under Sections 208 or 303(c), and (e) of the Clean Water Act, (33 U.S.C. Sections 1288, 1313(c), and (e)); and

(C) The applicable requirements of the Endangered Species Act of 1973, (16 U.S.C. 1531—1543); the Fish and Wildlife Coordination Act, (16 U.S.C. 661—666c); the National Historic Preservation Act of 1966 (16 U.S.C. 470—47011); Executive Order 11593; the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469—469c); the Bald Eagle Protection Act (16 U.S.C. 668d); and the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703—712).

(4) Except as otherwise provided for in this rule, on and after eight (8) months from the date on which the state program is approved by the secretary pursuant to 30 U.S.C. 1253 and published in the *Federal Register*, no person shall engage in or carry out any surface coal mining and reclamation operations unless that person shall have first obtained a valid permit pursuant to this chapter.

(A) Initial Implementation. From September 28, 1979 until eight (8) months after approval of the state program, no person shall engage in or carry out any surface mining or reclamation operations unless that person shall first have obtained a permit pursuant to and complies with sections 444.500—444.755, RSMo, as in existence prior to September 28, 1979. Any permit issued pursuant to these provisions shall continue in force and effect for the term of the permit or any revisions or renewals the permit, except as provided in paragraph (4)(A)1. of this rule.

1. No permit issued pursuant to sections 444.500—444.755, RSMo, as in existence prior to September 28, 1979, shall extend past eight (8) months from the date of approval of the state program, except as provided in subparagraph (4)(A)1.A. of this rule.

A. If an application for a permit pursuant to this chapter is filed within two (2) months after the approval of the state program, the operation may conduct operations under a permit issued pursuant to



sections 444.500—444.755, RSMo, until determination on the application has been made by the director under 10 CSR 40-6.070.

(B) Filing Deadlines After Initial Implementation.

1. General. Each person who conducts or expects to conduct new surface coal mining and reclamation operations shall file a complete application for a permit for those operations allowing at a minimum of ninety (90) days for review of the application.

2. Renewal of valid permits. An application for renewal of a permit under 10 CSR 40-6.080(5) and (6) shall be filed at least one hundred twenty (120) days before the expiration of the permit involved.

3. Revisions of permits. Any application for revision of a permit under 10 CSR 40-6.090(4) shall be filed within a time sufficient to allow for review of the application before the date on which the permittee expects to revise surface coal mining or reclamation operations.

4. Succession to rights granted under prior permits. Any application for a new permit required for a person succeeding by transfer, sale or assignment of rights granted under a permit shall be filed not later than thirty (30) days after that succession is approved by the commission.

(5) Permit Applications—General Requirements for Format and Contents.

(A) Applications for permits to conduct surface and underground coal mining and reclamation operations shall be filed in the format required by the director. The application shall be complete and include, at a minimum for surface mining activities, all applicable information required under 10 CSR 40-6.030—10 CSR 40-6.050 for underground mining activities, all applicable information required under 10 CSR 40-6.100—10 CSR 40-6.120, and for special types of surface and underground coal mining and reclamation operations, all the information required under 10 CSR 40-6.060.

(B) Information set forth in the application shall be current, presented clearly and concisely and supported by appropriate references to technical and other written material available to the commission and director.

(C) With regard to technical information presented in the permit application—

1. All technical data submitted in the application shall be accompanied by the following:

A. Names of persons or organizations which collected and analyzed the data;

B. Dates of the collection and analyses; and

C. Descriptions of methodology used to collect and analyze the data; and

2. Technical analyses shall be planned by or under the supervision of professionals qualified in the subject to be analyzed.

(D) The application shall state the name, address and position of officials of each private or academic research organization or governmental agency consulted by the applicant in preparation of the application for information on the land uses, soils, geology, vegetation, fish and wildlife, water quantity and quality, air quality and archeological, cultural and historic features.

(E) Maps and Plans—General Requirements.

1. Maps submitted with applications shall be presented in a consolidated format, to the extent possible and shall include all the types of information that are set forth on topographic maps of the United States Geological Survey of the 1:24,000 scale series. Maps of the permit area shall be at a scale of 1:6000 or larger. Maps of the remainder of the mine plan area and the adjacent areas shall clearly show the lands and waters within those areas and be in a scale determined by the commission or director, but in no event smaller than 1:24,000.

2. All maps and plans submitted with the application shall distinguish among each of the phases during which surface coal mining operations were or will be conducted at any place within the mine plan area. At a minimum, distinctions shall be clearly shown among those portions of the mine plan area in which surface coal mining operations occurred—

A. Prior to August 3, 1977;

B. After August 3, 1977 and prior to May 3, 1978;

C. After May 3, 1978 and prior to the approval of the state regulatory program;

D. After the date of approval of the state regulatory program and prior to the estimated date of issuance of the first permit under this rule; and

E. After the estimated date of issuance of a permit by the commission or director.

(6) Permit Fees. Each application for a surface coal mining and reclamation permit pursuant to a regulatory program shall be accompanied by a fee.

(A) For new surface coal mining permits there shall be an initial fee of one hundred dollars (\$100), plus an acreage fee of one hundred dollars (\$100) for each acre or fraction of an acre of the permit area. For multiple year permits, the acreage fee shall be paid annually by dividing the total acres in the permit area by the number of years covered by the permit and multiplying that number by that year's acreage fee and after the first year, there shall be an annual fee of one hundred dollars (\$100). All permits shall be on a yearly basis and shall

require the entire initial fee and the acreage fee for that year. For the first year of any new permit, the first year's fees shall be paid with the permit application. After that through the term of the permit, the annual fee and acreage fee shall be paid as a condition to and prior to operating for that permit year. The acreage fee shall be paid only once on any given area, except in the case of a revocation; an allowance shall be given for any acreage fee previously paid for a permit under sections 444.500—444.755, RSMo, when the land was not disturbed under the permit.

(B) For permit renewal, there shall be a basic fee of one hundred dollars (\$100) for each year of renewal, to be paid annually.

(C) For permit revision, there shall be a basic application fee of one hundred dollars (\$100).

(D) For application of a successor to a permit, there shall be a basic fee of one hundred dollars (\$100).

(E) For coal exploration permits there shall be an application fee of one hundred dollars (\$100).

(F) For surface effects of underground mining, there shall be a fee determined as in subsection (6)(A) of this rule.

(G) For reinstatement of a permit after suspension, there shall be a fee of one hundred dollars (\$100).

(H) Any land disturbed subsequent to revocation of a permit which included this land shall require a new permit application and fees paid as determined in subsection (6)(A) of this rule.

(7) Verification of Application. Applications for permits shall be verified under oath by a responsible official of the applicant that the information contained in the application is true and correct to the best of the official's information and belief.

*Auth: sections 444.530 and 444.810, RSMo (1994). * Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. Amended: Filed April 14, 1980, effective Aug. 11, 1980. Amended: Filed May 12, 1980, effective Sept. 12, 1980. Amended: Filed Aug. 1, 1980, effective Dec. 11, 1980. Amended: Filed Jan. 5, 1987, effective July 1, 1987. Amended: Filed June 2, 1987, effective Aug. 27, 1987. Amended: Filed July 3, 1990, effective Nov. 30, 1990. Amended: Filed Sept. 15, 1994, effective April 30, 1995.*

**Original authority: 444.530, RSMo (1971), amended 1983, 1990, 1993 and 444.810, RSMo (1979), amended 1983, 1993.*

10 CSR 40-6.020 General Requirements for Coal Exploration, Permits

PURPOSE: This rule brings Missouri's regulations into line with the federal language.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Responsibilities.

(A) It is the responsibility of any person conducting or seeking to conduct coal exploration to comply with the requirements of this rule.

(B) The commission or director will receive applications for permits to explore, approve or disapprove the applications and issue, condition, suspend, revoke or enforce permits as required.

(2) Permit Requirements for Exploration Removing Two Hundred Fifty (250) Tons of Coal or Less.

(A) Any person who intends to conduct coal exploration operations during which two hundred fifty (250) tons or less of coal will be removed and which will not substantially disturb the natural land surface, before conducting the exploration, shall file with the director an application to remove two hundred fifty (250) tons or less. This type of permit is intended specifically for drilling operations.

(B) The application shall be submitted on a form provided by the director and shall include:

1. The name, address and telephone number of the person seeking to explore;

2. The name, address and telephone number of the person's representative who will be present at, and responsible for, conducting the exploration activities;

3. A narrative describing the proposed exploration area or a map at a scale of 1:24,000 or greater showing the proposed area of exploration and the general location of drill holes and trenches, existing and proposed roads, occupied dwellings, topographic features, bodies of surface water and pipelines;

4. A statement of the period of intended exploration (not to exceed twelve (12)-consecutive calendar months for a given notice); and

5. A description of the method of exploration to be used and the practices that will be followed to protect the environment and to reclaim the area from adverse impacts of the

exploration activities in accordance with the applicable requirements of 10 CSR 40-4.010(3).

(3) Permit requirements for exploration removing more than two hundred fifty (250) tons of coal or where exploration will substantially disturb the natural land surface.

(A) Exploration Permit. Any person who intends to conduct coal exploration during which more than two hundred fifty (250) tons of coal will be removed, or where exploration will substantially disturb the natural land surface or which will take place on lands designated as unsuitable for surface mining under 10 CSR 40-5.020, before conducting the exploration, shall submit an application on a form provided by the director and obtain written approval from the commission. Exploration permits shall not be approved for more than five thousand (5000) tons, unless otherwise approved by the commission for good cause shown.

(B) Application Information. Each application for an exploration permit shall contain, at a minimum, the following information:

1. The name, address and telephone number of the applicant;

2. The name, address and telephone number of the applicant's representative who will be present at, and responsible for, conducting the exploration activities;

3. A narrative describing the proposed exploration area;

4. A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;

5. An estimated timetable for conducting and completing each phase of the exploration and reclamation;

6. The estimated amount of coal to be removed and a description of the methods to be used to determine the amount;

7. A statement of why extraction of more than two hundred fifty (250) tons of coal is necessary for exploration;

8. A description of—
A. The cultural or historical resources listed on the National Register of Historic Places;

B. The cultural or historical resources known to be eligible for listing on the National Register of Historic Places;

C. Known archaeological resources located within the proposed exploration area; and

D. Any other information that the director may require regarding known or unknown historic or archaeological resources;

9. A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531—1543) identified within the proposed exploration area;

10. A description of the measures to be used to comply with the applicable requirements of 10 CSR 40-4.010(3);

11. The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;

12. A map(s) at a scale of 1:24,000 or larger showing the areas of land to be disturbed by the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water and pipelines; proposed locations of trenches, roads and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; the location of excavated earth or waste material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531—1543); and

13. If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation.

(C) Public Notice and Opportunity to Comment. Public notice of the application and opportunity to comment shall be provided as follows:

1. Within ten (10) days of notification from the director that an application is considered administratively complete, the applicant shall provide public notice in a newspaper of general circulation in the county of the proposed exploration area;

2. The public notice shall state the name and address of the person seeking approval, the filing date of the application, the address of the director where written comments on the application may be submitted, the closing date of the comment period and a description of the area of exploration; and

3. Any person having an interest which is or may be adversely affected shall have the right to file written comments on the application within thirty (30) days of the newspaper advertisement.

(D) Decisions on Applications for Exploration Removing More Than Two Hundred Fifty (250) Tons of Coal.

1. The commission shall act upon an administratively complete application for a coal exploration permit and any written comments within a reasonable period of time. The approval of a coal exploration permit may be based only on a complete and accurate application.

2. The commission shall approve a complete and accurate application for a coal exploration permit filed in accordance with this rule if it finds, in writing, that the



applicant has demonstrated that the exploration and reclamation described in the application will—

A. Be conducted in accordance with this rule, 10 CSR 40-4.010 and the applicable provisions of the director or commission;

B. Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or result in the destruction or adverse modification of critical habitat of those species; and

C. Not adversely affect any cultural or historical resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, (16 U.S.C. Section 470, 1976, Supp.V), unless the proposed exploration has been approved by both the director or commission and the agency with jurisdiction over those matters.

3. Terms of approval issued by the commission shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with this rule, 10 CSR 40-4.010 and any other requirement of the director or commission.

(E) Notice and Hearing.

1. The director or commission shall notify the applicant, the appropriate local government officials and other commenters on the application, in writing, of the commission's decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the director or commission at a public office in the vicinity of the proposed exploration operations.

2. Any person having an interest which is or may be adversely affected by a decision of the commission pursuant to paragraph (3)(E)1. of this rule shall have the opportunity for administrative and judicial review as set forth in 10 CSR 40-6.080.

(4) Coal Exploration Compliance Duties.

(A) All coal exploration and reclamation activities that substantially disturb the natural land surface shall be conducted in accordance with the coal exploration requirements of this rule, 10 CSR 40-4.010 and any exploration permit term or condition imposed by the director or commission.

(B) Any person who conducts any coal exploration in violation of the provisions of 10 CSR 40-4.010, or any exploration permit term or condition imposed by the director or commission shall be subject to the provisions of 10 CSR 40-8.030 and 10 CSR 40-8.040.

(5) Requirements for Commercial Sale. Except as provided in this section, any person who extracts coal for commercial sale during coal

exploration operations shall obtain a surface coal mining and reclamation operations permit for those operations from the director under 10 CSR 40-6.010, 10 CSR 40-6.030, 10 CSR 40-6.050 through and including 10 CSR 40-6.090 and 10 CSR 40-6.110. No surface coal mining and reclamation operations permit is required if the director or commission makes a prior determination that the commercial use or sale is to test for coal properties necessary for the development of surface coal mining and reclamation operations for which a permit application is to be submitted at a later time. The application shall demonstrate that the coal testing is necessary for the development of a surface coal mining and reclamation operation for which a surface coal mining operations permit application is to be submitted in the near future and that the proposed commercial use or sale of coal extracted during exploration operations is solely for the purpose of testing the coal. The application shall contain the following:

(A) The name of the testing firm and the locations at which the coal will be tested;

(B) If the coal will be sold directly to, or commercially used directly by, the intended end user, a statement from the intended end user or, if the coal is sold indirectly to the intended end user through an agent or broker, a statement from the agent or broker. The statement shall include:

1. The specific reason for the test, including why the coal may be so different from the intended user's other coal supplies as to require testing;

2. The amount of coal necessary for the test and why a lesser amount is not sufficient; and

3. A description of the specific tests that will be conducted;

(C) Evidence that sufficient reserves of coal are available to the person conducting exploration or its principals for future commercial use or sale to the intended end user, or agent or broker of a user identified previously, to demonstrate that the amount of coal to be removed is not the total reserve, but is a sampling of a larger reserve; and

(D) An explanation as to why other means of exploration, such as core drilling, are not adequate to determine the quality of the coal, the feasibility of developing a surface coal mining operation, or both.

(6) Public Availability of Information.

(A) Except as provided in subsection (6)(B) of this rule, all information submitted to the director or commission under this section shall be made available for public inspection and copying.

(B) The director or commission shall keep information confidential if the person submitting it requests, in writing at the time of submission, that it be kept confidential and the information concerns trade secrets or is privileged commercial or financial information relating to the competitive rights of the persons intending to conduct coal exploration.

(C) Information requested to be held as confidential under subsection (6)(B) shall not be made publicly available until after notice and opportunity to be heard is afforded persons both seeking and opposing disclosure of the information.

(7) Bonding for Coal Exploration Permits.

(A) Permits for exploration where two hundred fifty (250) tons of coal or less will be removed shall be bonded at the rate of five thousand dollars (\$5000) per permit. Bonds shall be of the type allowed in 10 CSR 40-7.011(3).

(B) Permits for exploration where more than two hundred fifty (250) tons of coal will be removed or where exploration will substantially disturb the natural land surface shall be bonded at a rate sufficient to complete reclamation if the work has to be performed by the commission in the event of forfeiture.

(C) Exploration activities shall not commence until the bond has been accepted in writing by the director.

(8) Bond Release for Coal Exploration Permits. Applications for bond release may be made to the commission when an area qualifies for release. An exploration area shall qualify for bond release when the area is successfully reclaimed in accordance with the approved reclamation plan. Partial bond releases may be approved by the commission as long as the remaining bond is sufficient to complete reclamation if the remaining work has to be performed by the commission in the event of forfeiture.

Auth: section 444.530, RSMo (1994). Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. Amended: Filed Nov. 10, 1980, effective Feb. 11, 1981. Rescinded and readopted: Filed Aug. 4, 1987, effective Nov. 23, 1987. Amended: Filed July 3, 1990, effective Nov. 30, 1990. Amended: Filed Sept. 15, 1994, effective April 30, 1995.*

**Original authority 1971, amended 1983, 1990, 1993.*

10 CSR 40-6.030 Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information

PURPOSE: This rule sets forth requirements for legal, financial, compliance and related information for surface mining permit applications pursuant to sections 444.810, 444.815, 444.820, 444.825, 444.835, 444.840 and 444.850, RSMo.

(1) Identification of Interests.

(A) Each application shall contain the following information, except that the submission of a Social Security number is voluntary:

1. The permit applicant, including his/her telephone number, address and, as applicable, Social Security number and employer identification number;

2. Every legal or equitable owner of record of the property to be mined;

3. The holders of record of any leasehold interest in the property to be mined;

4. Any purchaser of record under a real estate contract of the property to be mined;

5. The operator, if the operator is a person different from the applicant, including his/her telephone number, address and, as applicable, Social Security number and employer identification number;

6. The resident agent of the applicant who will accept service of process, including his/her telephone number, address and, as applicable, Social Security number and employer identification number; and

7. The person who will pay the abandoned mine land reclamation fee, including his/her telephone number, and, as applicable, Social Security number and employer identification number.

(B) Each application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association or other business entity. For businesses other than single proprietorships, the application shall contain the following information, where applicable:

1. Names and addresses of every officer, partner, director or other person performing a function similar to a director of the applicant;

2. Name and address of any person who is a principal shareholder of the applicant; and

3. Names under which the applicant, partner or principal shareholder previously operated a surface coal mining operation in the United States within the five (5) years preceding the date of application.

(C) For each person who owns or controls the applicant under the definition of owned or controlled and owns or controls in 10 CSR 40-6.010(2)(E), as applicable—

1. The person's name, address, Social Security number and employer identification number;

2. The person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;

3. The title of the person's position, date position was assumed and, when submitted under 10 CSR 40-6.070(13)(E), date of departure from the position;

4. Each additional name and identifying number, including employer identification number, federal or state permit number and the Mine Safety and Health Administration (MSHA) number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application; and

5. The application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any state in the United States.

(D) For any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of owned or controlled and owns or controls in 10 CSR 40-6.010(2)(E), the operation's—

1. Name, address, identifying numbers, including employer identification number, federal or state permit number and the MSHA number, the date of issuance of the MSHA number and the regulatory authority; and

2. Ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

(E) Each application shall contain the names and addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area.

(F) Each application shall contain the name of the proposed mine and the MSHA identification number for the mine and all sections, if any.

(G) Each application shall contain a statement of all lands, interests in lands, options or pending bids on interests held or made by the applicant for lands which are contiguous to the area to be covered by the permit. If requested by the applicant, any information required by this subsection which is not on public file pursuant to state law shall be held in confidence by the director, as provided under 10 CSR 40-6.070(6)(C)2.

(H) After an applicant is notified that his/her application is approved, but before the permit is issued, the applicant, as applicable, shall update, correct or indicate that no change has occurred in the information previously

submitted under subsections (1)(A)—(D) of this rule.

(I) The applicant shall submit this information required by sections (1) and (2) of this rule in any prescribed format that is issued by the director.

(2) Compliance Information. Each application shall contain—

(A) A statement of whether the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant has—

1. Had a federal or state mining permit suspended or revoked in the last five (5) years; or

2. Forfeited a mining bond or similar security deposited in lieu of bond;

(B) If any suspension, revocation or forfeiture has occurred, a statement of the facts involved, including:

1. Identification number and date of issuance of the permit or date and amount of bond or similar security;

2. Identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that action;

3. The current status of the permit, bond or similar security involved;

4. The date, location and type of any administrative or judicial proceedings initiated concerning the suspension, revocation or forfeiture; and

5. The current status of these proceedings;

(C) A listing of each violation notice received by the applicant or any subsidiary, affiliate or persons controlled by or under common control with the applicant in connection with any surface coal mining operation during the three (3)-year period before the application date, for violations of any law, rule of the United States or of any state law, rule enacted pursuant to federal law, rule or of any provision of the act pertaining to air or water environmental protection and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. The application shall also contain a statement regarding each violation notice or cessation order reported, including:

1. The date of issuance, the MSHA number and identity of the issuing regulatory authority, department or agency;

2. The name of the person to whom the violation notice was issued;

3. A brief description of the particular violation alleged in the notice;