



COALEX STATE INQUIRY REPORT - 22

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TOPIC: DREDGING OPERATIONS

INQUIRY: In Ohio, there is a mining operation called in-stream mining -- a dredging operation which takes sand from the stream-bed for industrial minerals. Are there any state regulations in the COALEX Library which address in-stream mining operations?

SEARCH RESULTS:

Dredging operations, at present, are regulated by the U.S. Army Corps of Engineers (COE) under the Rivers and Harbors Act of 1899. A Smithsonian report comparing the COE 404 regulatory requirements with SMCRA has been forwarded to IMCC by Mr. Stan Zeccolo, Office of Surface Mining (OSM) to be included with the Report. Mr. Zeccolo explained in a recent telephone conversation that OSM is in the process of developing regulations to cover dredging operations.

Although at present not regulated under SMCRA, operators of dredging operations for coal are responsible for payment of the AML reclamation fee. In *U.S. v H.G.D. & J. MINING COMPANY, INC.*, 561 F Supp 315 (SW Va 1980), the District Court held that dredging for coal was considered a coal mining operation under SMCRA and that the operator was, therefore, responsible for payment of the AML fee assessment.

ATTACHMENTS:

- A. *U.S. v H.G.D. & J. MINING COMPANY, INC.*, 561 F Supp 315 (SW Va 1980).
- B. An Analysis of the Permitting Requirements of the Surface Mining Control and Reclamation Act and the Corps of Engineers 404 Program. U.S. Department of the Interior, Smithsonian Institution, Washington, DC (April 24, 1984).
- C. A Comparison of the Permitting Processes of SMCRA and the Corps of Engineers Concerning the Regulation of Coal Dredging Activities. U.S. Department of the Interior, Smithsonian Institution, Washington, DC (April 24, 1984).