

**RULES  
OF  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
WATER RESOURCES DIVISION**

**CHAPTER 0400-42-04  
PROSPECTING PERMIT**

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**0400-42-04-.01 APPLICATION AND MAP REQUIREMENTS.**

- (1) When an operator proposes to remove overburden from an area not covered by a mining permit for the purpose of prospecting for any mineral covered by the Law, application must be made to the Division of Water Resources and three topographic maps or equivalent maps or aerial photographs showing the area to be disturbed must be submitted.
- (2) The prospecting map must show the tract boundaries, the contour on which the activity will take place, and the intervals at which there will be surface disturbance.
- (3) After receipt of the application, a representative of the Division will contact the operator and arrange a meeting at a mutually convenient time and place in order to travel to the proposed prospecting site for an on-the-ground inspection.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-04.

**0400-42-04-.02 RECLAMATION PERFORMANCE BOND.**

- (1) The operator will sign an agreement to regrade and revegetate the disturbed area in accordance with the reclamation provisions of T.C.A. §§ 59-8-201 through 59-8-228 and post a five hundred dollars (\$500) cash or surety bond prior to the initiation of any disturbance.
- (2) The disturbed area will include not only those tract portions being prospected for the mineral, but also that disturbance created by equipment in providing access to the area being disturbed to ascertain the quantity and quality of a mineral.
- (3) There shall be no activity prior to the receipt by the operator of the prospecting permit, which shall be for a period of not more than one (1) year from the date of issuance. The operator shall apply for release of the bond when the prospecting is completed and the disturbed area has been reclaimed. If an inspection shows that reclamation is satisfactory, the Commissioner shall release the bond.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-04.

**0400-42-04-.03 MINING TO FOLLOW IMMEDIATELY.**

If a mining permit is approved for the area disturbed by prospecting within six (6) months from the date of the prospecting permit, reclamation of the area disturbed by prospecting will not be required before mining.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed

(Rule 0400-42-04-.03, continued)

*August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-04.*

**0400-42-04-.04 PENALTIES FOR VIOLATION.**

- (1) There are no fees for prospecting, but any person or operator who violates this provision will be subject to civil penalties of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each day during which a violation occurs as specified in T.C.A. §§ 59-8-201 through 59-8-228.
- (2) Also, if a disturbed area is not reclaimed, the prospecting permit may be revoked. If this is done, the operator whose prospecting permit was revoked shall not be eligible for any future prospecting or mining permits until the disturbed area has been reclaimed at no cost to the State of Tennessee.
- (3) The Commissioner shall deny such permits for areas which cannot be granted a general permit under the provisions of T.C.A. §§ 59-8-201 through 59-8-228.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-04.