



Kentucky  
Department for Surface Mining  
Reclamation and Enforcement

# Reclamation Advisory Memorandum

From: Dave Rosenbaum, Commissioner

A handwritten signature in black ink, appearing to read "Dave Rosenbaum".

Date: April 30, 1993

Subject: Application and Acreage Fees

## RAM # 110

The Kentucky surface mining law (KRS Chapter 350) and the administrative regulations (405 KAR 8:010) establish application and acreage fees that are required for surface coal mining permit applications. The application fee is \$375.00 per application and is non-refundable. The acreage fee is \$75.00 per acre or fraction of an acre of the area of land to be affected by the operation. In the past, DSMRE has required the submittal of both application and acreage fees at the time an application is submitted for review, unless the incremental fee payment option has been selected. Frequently, changes are made to an application during the review process that result in additional acreage fees being required before a permit is issued, or result in an overpayment which may be refunded. In order to obtain a refund of an overpayment, DSMRE has required that the applicant make a written request. This process has resulted in needless and time consuming record keeping for both applicants and DSMRE and frequently results in significant delays in obtaining a refund.

In an effort to streamline this process, DSMRE has reviewed the statutory and regulatory requirements for the payment of application and acreage fees and has decided to change its current procedure. Effective June 1, 1993 DSMRE will no longer require the full payment of both application and acreage fees at the time an application is submitted. **An applicant who submits a permit application on or after June 1, 1993 will be required to pay only the non-refundable \$375.00 application fee at the time of submittal.** Upon a determination that the application is technically acceptable (TAC) the Division of Permits will calculate the required acreage fee and notify the applicant in writing of the required fee amount at the same time the applicant is notified of the required amount of performance bond. A permit will not be issued until the required acreage fee has been received.

Under this new procedure, applicants will be able to defer payment of acreage fees until the time a permit is ready to be issued. This new procedure affords those permittees using single area bonding the same benefit as those using incremental bonding and fee payment. Record keeping for both applicants and DSMRE should be significantly reduced, and the need to request and process refunds will virtually be eliminated.